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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
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Item 5 of the provisional agenda

REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Preparatory Committee the report of the Seminar of Experts on the Prevention of Ethnic and Racial Conflicts in Africa, held in Addis Ababa from 4 to 6 October 2000.

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I. INTRODUCTION

A. Organization of the Seminar

1. The Seminar of Experts on the Prevention of Ethnic and Racial Conflicts in Africa falls within the context of preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It was held pursuant to Commission on Human Rights resolution 1999/78 [para. 65 (b)] of 29 April 1999, which requested the United Nations High Commissioner for Human Rights to organize and encourage preparatory activities, particularly seminars, and to submit the recommendations of these seminars to the Preparatory Committee. The Seminar was held at Addis Ababa from 4 to 6 October 2000 and was organized in cooperation with the Economic Commission for Africa (ECA).

B. Attendance

2. The following experts were invited to prepare background papers and to lead the discussions on the various topics of the Seminar: Mr. Barney Pityana, member of the African Commission on Human and Peoples' Rights; Mr. Alioune Sène, former Chairman of the Commission on Human Rights; Mr. François Lonsény Fall, member of the Committee on the Elimination of Racial Discrimination; Ms. Gabriela Rodríguez Pizarro, Special Rapporteur on the human rights of migrants, appointed by the Commission on Human Rights; Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Mr. Hatem Kotrane, member of the Arab Institute of Human Rights; Mr. Kenneth Attafuah, Director of Operations of the Ghanaian Commission on Human Rights and Administrative Justice; Ms. Marie-Thérèse Keita-Bocoum, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi; Mr. Roberto Garretón, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo; Mr. Philippe Kabongo Mbaya, Professor in the Pan-African Geopolitical Institute (University of Nancy); Mr. Sam Ibok, Director of the Political Department of the Organization of African Unity (OAU); Mr. Getachew Demeke, Special Adviser on economic and social questions (ECA); Ms. Tokumbo Ige, Legal Officer of the International Commission of Jurists.

3. Representatives of Governments, intergovernmental organizations, specialized agencies in the United Nations system and non-governmental organizations (NGOs) also attended the Seminar as observers. A full list of participants is contained in annex II to this report.

C. Opening of the Seminar and election of the Chairperson/Rapporteur

4. The Seminar was opened by Ms. Mary Robinson, United Nations High Commissioner for Human Rights, who thanked ECA for its contribution to the organization of the Seminar. In her opening address, she said that no other continent had had such a widespread and prolonged struggle to fight racism in the form of apartheid; no other continent had borne the brunt of racism as much as Africa; and Africa had a wide range of experience in the operation of preventive arrangements for dealing with threats of conflict, ethnic or otherwise. The Seminar had therefore been organized primarily for the purpose of drawing upon the African experience, with a view to presenting insights to the World Conference. The World Conference would convey a significant

message: humanity's determination to achieve a world of equality in law and, in practice, a world of universal respect for all without any discrimination, and a world of human dignity. Through its mechanism for conflict prevention, management and resolution, OAU had acquired highly advanced and extensive experience in the prevention of conflicts. Prevention was essential in increasing the proactive role of regional organizations and the United Nations in protecting human rights. The universal acceptance and implementation of the principal human rights treaties dealing with economic, social and cultural, as well as civil and political, rights was an indispensable basis for such a preventive strategy and was an objective that should be vigorously pursued.

5. Ms. Lalla Ben Barka, Deputy Executive Secretary of ECA, also made an opening statement, in which she observed that, according to the conclusions of a recent seminar, Africa's civil wars were not due to its ethnic and religious diversity. Rather, they were due to the high levels of poverty and the instability of political and social institutions in many countries in the continent. Indeed, as demonstrated elsewhere in the world, ethnic and racial diversity was an asset that promoted rapid economic development and facilitated the emergence of vibrant and rich cultural and social interaction among and between peoples. In many societies, pluralism and the recent democratic transition had brought ethnicity to the fore and reinforced ethnic identity. She proposed various measures to combat the tendency to fall back on identity and the conflicts that might result therefrom, stating that African countries needed to institute democratic reforms that managed the challenge of diverse communities. The ultimate strategy for prevention of future conflicts lay in nurturing the right political governance and economic management institutions that effectively accommodated competition among diverse groups. Such a strategy must emphasize preventive measures like equitable access to political power by all citizens; fair and equitable treatment of all regions and ethnic groups in all matters of public concern; equal access to economic opportunities; appropriate decentralization of the functions and authority of the State and genuine devolution of power to less centralized levels of government.

6. Mr. Dawit Yohannes, Speaker of the House of Representatives and representative of the Ethiopian Government, also made an opening statement.

7. Mr. Alioune Sène was elected Chairperson-Rapporteur by acclamation.

D. Agenda and organization of work

8. At its first meeting on 4 October, the Seminar adopted the following agenda:

1. Problems involved in the ethnic and racial conflicts in Africa: causes, origins and factors contributing to intercommunal tensions; case study: the Democratic Republic of the Congo in the dynamics of the Great Lakes conflicts.

2. Implementation of human rights norms and principles as a national prevention strategy against ethnic and racial conflicts.

3. Realization of economic, social and cultural rights, and right to development as preventive strategy.

4. Strategies for promotion of national integration and social harmony (human rights education, role of the media, role of civil society).

5. Prevention of ethnic and racial conflicts through the creation of independent mediation, conciliation and social dialogue bodies.

6. Effectiveness of African regional and subregional mechanisms for the prevention of ethnic and racial conflicts.

7. Effectiveness of international norms and mechanisms and approaches to the prevention of ethnic and racial conflicts.

8. Human rights and the OAU mechanism for conflict prevention.

9. The role of the United Nations in the prevention of ethnic and racial conflicts in Africa (Security Council, Office of the High Commissioner for Human Rights).

10. Conclusions and recommendations.

In the absence of Mr. Hatem Kotrane, item 4 was introduced by Mr. Maurice Glèlè Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and Mr. Getachew Demeke, ECA Special Adviser on economic and social questions. Items 6 and 8 were introduced jointly by Mr. Sam Ibok, Director of OAU's Political Department, in the absence of Mr. Barney Pityana.

E. Documentation

9. At the request of the Office of the High Commissioner for Human Rights, the following background papers were prepared:

HR/ADDIS/SEM.4/2000/BP.2	Problems involved in the ethnic and racial conflicts in Africa: causes, origins and factors contributing to intercommunal tensions, by Ms. Marie-Thérèse Keita-Bocoum, Special Rapporteur on the situation of human rights in Burundi.
HR/ADDIS/SEM.4/2000/BP.3	Case study: the Democratic Republic of the Congo in the dynamics of the Great Lakes conflicts, by Mr. Roberto Garretón, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo.

HR/ADDIS/SEM.4/2000/BP.4/ Add.1 and 2	Implementation of human rights norms and principles as a national prevention strategy against ethnic and racial conflict in Africa, by Mr. Philippe Kabongo Mbaya, professor in the Pan-African Geopolitical Institute, University of Nancy.
HR/ADDIS/SEM.4/2000/BP.5	Realization of economic, social and cultural rights and right to development as preventive strategy, by Ms. Tokumbo Ige, member of the International Commission of Jurists.
HR/ADDIS/SEM.4/2000/BP.6	Strategies for promotion of national integration and social harmony: human rights education, role of the media and role of civil society, by Mr. Hatem Kotrane, Legal and Scientific Adviser, Arab Institute for Human Rights.
HR/ADDIS/SEM.4/2000/BP.7	Prevention of ethnic and racial conflicts through the creation of independent mediation, conciliation and social dialogue bodies, by Mr. Francis Short, Chairman of the Ghanaian Commission on Human Rights and Administrative Justice.
HR/ADDIS/SEM.4/2000/BP.8	Effectiveness of African regional and subregional ethnic and racial preventive mechanisms (it was not possible for this document to be made available to participants).
HR/ADDIS/SEM.4/2000/BP.9	Effectiveness of international norms and mechanisms, and approaches to the prevention of ethnic and racial conflicts, by Mr. François Lonsény Fall, member of the Committee on the Elimination of Racial Discrimination.
HR/ADDIS/SEM.4/2000/BP.10	Introducing human rights in the subregional mechanisms for conflict prevention: case study by ECOWAS (not submitted).
HR/ADDIS/SEM.4/2000/BP.11	Human rights and the OAU mechanism for conflict prevention, by Mr. Sam Ibok, Director of OAU's Political Department.
HR/ADDIS/SEM.4/2000/BP.12	The role of the United Nations in the prevention of ethnic and racial conflicts, by Mr. Alioune Sène, former Chairman of the Commission on Human Rights.

II. CONSIDERATION OF THE TOPICS OF THE SEMINAR

A. Problems involved in the ethnic and racial conflicts in Africa: causes, origins and factors contributing to intercommunal tensions; case study: the Democratic Republic of the Congo in the dynamics of the Great Lakes conflicts

10. At the first meeting on 4 October 2000, Ms. Marie-Thérèse Keita-Bocoum introduced the background paper which she had prepared (HR/ADDIS/SEM.4/2000/BP.2). Mr. Roberto Garretón then introduced the case study on the Democratic Republic of the Congo, as analysed in the background paper he had prepared (HR/ADDIS/SEM.4/2000/BP.3).

11. Ms. Keita-Bocoum explained that the ethnic and racial conflicts in Africa had four main causes: historical factors related to colonization, notably the exploitation by the colonial authorities of differences between ethnic groups; rivalry between the new elites in the race to seize power and the benefits deriving therefrom; the impact of economic difficulties, which made the sharing of goods difficult; and interference by neighbouring States, major Powers or multinational companies which intervened, directly or indirectly, for economic reasons or to support one of the parties involved.

12. Basing her views on various works, Ms. Keita-Bocoum defined the concept of an ethnic group and its variations in the light of colonial expansion and intellectual speculation. Thus, the term "ethnic group" derived from the Greek "ethnos", meant "people" or "nation". The term "ethnic group" had come into use in French in the nineteenth century. The term "nation" was equivalent to the concept of a tribe in the sixteenth and seventeenth centuries. The emergence of those terms, at a time when Europe had been preoccupied with the phenomenon of colonialism, necessarily influenced their use and gave them a historical connotation. The term "tribe", which at that time had been more widely used than "nation" to define African societies, had undoubtedly been used to introduce a hierarchy between African societies and European societies, which were deemed superior.

13. Anthropology had subsequently added to the complexity of that concept. Thus, anthropologists considered that the ethnic universe was composed of a mosaic of lineages. There was a deep relationship between an ethnic group and a lineage or clan, a relationship which was in most cases backed by a family-related vocabulary, or indeed an originating myth establishing the common descent of the group members from an initial couple or a mythical hero. The anthropological criteria generally used to define an ethnic group were: language, a particular area, customs, values, a name, the same descent and the social players' awareness of belonging to the same group. The existence of the ethnic group was linked to the combination of all those elements.

14. Ms. Keita-Bocoum further observed that, with usage, confusion had arisen between the concept of an ethnic group and that of "race", which had for a long time been used by ethnologists of the colonial period and exploited by colonizers. The definition of that term was vitiated by ethnocentricity and was subordinate to the concept of the nation State, as devised in Europe. Referring to numerous examples, she demonstrated that many entities, which were today considered as ethnic groups, had undoubtedly not been ethnic groups before the colonial

period. Their definition was based solely on exogenous criteria. Many others had become "ethnic groups" through the arbitrary regrouping of entities, even though the criteria entering into the definition of an ethnic group did not permit such a merger. Although the ethnic group as a politico-social group unit was not alien to Africa, the transformations imposed on it by the phenomenon of colonialism led to the disorganization of African societies and the establishment of new entities incompatible with local realities.

15. Turning to the concept of ethnic conflict, Ms. Keita-Bocoum took care to point out that the problem lay not in the ethnic group in itself, but rather in its manipulation for purposes alien to its primary function, namely, to be a framework for identification which protected the individual from the negative effects of cultural alienation. In fact, ethnicity had played an important role in the emancipation struggles of Africans, in that it had permitted the massive mobilization of rural populations in the nationalist movements, which were often led by intellectuals, civil servants or trade unionists. That had revealed the representative character of those movements in the face of the colonizer and world opinion. Ethnic awareness furthered and supported movements calling for greater justice and greater freedom. Similarly, it opposed the exclusion of members from the distribution of public services effected, on the basis of nepotism. In that context, ethnicity contributed to democratic practice by laying stress on values similar to equity and justice in social relations. Ethnic identity had played a fundamental role in the promotion of community development within the rural world in Africa. The mobilization of ethnic groups behind different political leaders contributed to the decentralization of power in a particular country, promoting broader participation in political decision-making. In that sense, collective awareness enabled the ethnic group to mobilize and to combat the discrimination to which it was subjected.

16. Ethnicity only became problematic when it led to violence, as a result of the inability or failure to resolve, through conciliatory proposals, the contradictions of a given society, notably because of the refusal of the parties in conflict to accept the dispute-settlement agreements and procedures put in place. Ethnicity was then disparaged because of the divisions it caused within the society in question, divisions which often obliged the State to intervene in order to maintain national cohesion. The unfortunate consequences - notably, civil war, innumerable losses of human life, the destruction of public and private property, the dislocation of the civil population and other human rights violations resulting therefrom, which made them intolerable to national and international opinion.

17. Analysing the causes related to colonization, Ms. Keita-Bocoum considered that colonization, following commercial imperialism, had been based on the exploitation of land and people, in the interests of the development of the metropolitan country. Thus the task facing the colonizer had been to devise policies which encouraged such exploitation, and the civilizing mission, of which much mention had been made, had emerged as a consequence rather than an initial and genuine objective. In economic terms, the colonizers had developed infrastructure comprising roads, railways and ports, plantations, industries and commercial enterprises in those areas which they considered appropriate and capable of facilitating the establishment of the market economy. That had been their essential concern: the fact that those investments and the resultant development had not benefited the local populations in an egalitarian manner had been immaterial.

18. In political terms, the constant modifications, changes and divisions of territories and populations in order to protect and guarantee colonial interests had destroyed traditional authority and broke the balance in relations between individuals in pre-colonial systems. That had been followed by a questioning of values and the security system in which individuals had lived, and that in turn had considerably affected social cohesion. Colonial policies, in which respect for equity and equality between subject peoples had been of no concern, had led to feelings of frustration which still today lay at the origin of many ethnic conflicts in Africa.

19. As to the rivalry between the new elites in the race to seize power and the concomitant benefits, Ms. Keita-Bocoum explained that that phenomenon had begun under colonialization and continued after independence, following the emergence of an African middle-class who had taken advantage of the colonial principle of "ethnic preference" to acquire a certain affluence and to regroup on an ethnic basis. The competition between ethnic groups within the small African middle-class had intensified with independence and had appealed to ethnic sentiments when elections based on ethnic or regional divisions of electoral districts had proved to be one of the easiest means of acceding to State power. In those circumstances, the promotion or politicization of ethnicity had been guaranteed and had eventually marked the post-colonial period. Recourse to ethnic sentiments had been so frequent that it had directly led many African countries along the path of ethnic conflict.

20. In support of the argument that economic difficulties also lay at the origin of the ethnic and racial conflicts in Africa, Ms. Keita-Bocoum stated that poverty bolstered ethnicity in the sense that the struggle for survival led ethnic groups, often mistakenly, to rely on the emergence of one of their members to join the decision-making process and, hence, to benefit from the material consequences of national development.

21. As to the effects of external intervention on the outbreak of such conflicts, Ms. Keita-Bocoum demonstrated how international rivalries and the concern of multinationals to acquire a monopoly of raw materials had left their mark on numerous conflicts which had afflicted and were still afflicting Africa. The desire for access to copper, oil, diamonds and other mineral resources has thus prompted foreign intervention, if not the outbreak of conflicts in Congo-Kinshasa (former Belgian Congo, Katanga war), Biafra (Nigeria), Congo-Brazzaville, Angola, Liberia and Sierra Leone.

22. Ms. Keita-Bacoum expressed the view that using ethnicity as a rallying point deprived it of its positive meaning, turning it into a means of social and political advancement, which posed the problem of the development of democracy in Africa. That in turn raised the question of ethnic minorities in a context of democracy based on the concept of majority. Discourse based on ethnicity was tending to replace political programmes beneficial to all. Membership of the ethnic group was becoming a means of exerting pressure in the geopolitical context. What was expected was respect for human rights in accordance with instruments clearly defined in the constitutions and other fundamental legislation, but the public authorities in Africa often resorted to ethnicity as a framework for settling conflicts or imposing sanctions, a fact which denied the individual any responsibility. Ethnicity thus limited the freedoms of expression and opinion since an individual belonging to a minority group expressed himself in relation to his ethnic group. The malfunctioning of institutions and the feelings of frustration related to those violations of the rights of the individual were a source of disorder and conflict.

23. Ms. Keita-Boucoum accordingly formulated the following proposals to encourage the search for preventive measures:

(a) The ethics of human rights and the genuine interests of populations must be taken into consideration and respected in international economic relations and in the activities of multinational companies;

(b) The international community must undertake far-reaching analyses of the social and political situation of the African countries before devising programmes for those countries (assistance programmes and structural adjustment programmes). The analyses must be based on a genuine awareness of the needs of the population, and not exclusively on those of the political, intellectual and business elites, which were too often inclined to look after their personal or group interests. Those analyses would provide means of genuinely assisting the populations in their quest for liberty and dignity, and contributing to respect for their physical, moral and cultural integrity;

(c) Efforts should be made to strengthen literacy and to promote a democratic culture, both of which would tend to moderate the influence of the African elites over peoples and effectively broaden the bases of participation in political decision-making.

24. Mr. Roberto Garretón illustrated his statement with an analysis of the major conflicts that had taken place in Zaire, which had subsequently become the Democratic Republic of the Congo. He made particular reference to the following conflicts:

(a) Between the Katangans and the Kasaï in Katanga (1993-1995);

(b) Between Balendu and Bahema since 1999; and

(c) Between Congolese and Banyarwanda since 1996.

25. The conflict from 1993 to 1995 between two branches of the Baluba in Shaba (ex-Katanga) originated from Belgian colonial policy. The Belgian colonial authorities had transported numerous Kasai people to work the mines of the extremely rich province of Katanga, where many had made their fortunes and occupied important positions in politics and industry. Their success had frustrated the original inhabitants of the province, who had felt humiliated.

26. Following the National Sovereign Conference and the emergence of the Kasaï Etienne Tshisekedi as principal leader of the opposition to Mobuto, the dictator had instigated a campaign of persecution of people of Kasaï origin in Katanga. A Prime Minister in Kinshasa and a governor in Lubumbashi had set about fanning hatred of the Kasaï. To that end, they had formed a paramilitary militia within the Independent Federalist and Republican Union Party (UFERI) which had incited hatred and expulsion of people not originating from that province. The process had been seen at the time as ethnic or regional cleansing.

27. The conflict between the Balendu and the Bahema had set against one another two ethnic groups that had lived together peacefully for three centuries, save for occasional armed conflicts in 1887, 1911, 1923 and 1966, which had admittedly produced some casualties but had finally

been settled through the intervention of traditional chiefs or the State. Both the earlier and the current conflicts had arisen over land disputes triggered by the colonizers' granting of concessions to the Bahema on lands traditionally inhabited by the Balendu.

28. The Ugandan occupation of the Ituri region had brought about that conflict between the Bahema, of Ugandan origin, and their allies, on the one hand, and the Balendu, longer settled in the region and of Sudanese origin and many other ethnic groups that supported them, on the other hand. With the help of Ugandan soldiers, the authorities set up by them and the Congolese Rally for Democracy - Liberation Movement, the Bahema had seized the land of the Balendu, who had found themselves completely without support. The present confrontations, which had begun in 1999, had caused some 8,000 deaths and displaced about 50,000 people. The one-sided view of the authorities - the Ugandan forces - had prevented any settlement of the conflict.

29. The conflict between the Congolese and the Banyarwanda was also of colonial origin. At the end of the eighteenth century, a number of Rwandan Tutsis had emigrated to the Congo, settling in Kalamba, on the Ruzizi plain and in the Mulengue hills, whence they had spread to other parts of southern Kivu. They had lived in harmony with the local ethnic groups, although in general they had not mixed with them. In the mid nineteenth century, before colonial rule, a war had been fought between the Rwandan Tutsi King Rwabugiri and the Mushi, who had been numerous in southern Kivu and the island of Idjwi. The Rwandan king had been killed in that war, but thanks to the wisdom of the traditional chiefs a peace settlement had finally been reached.

30. The 1885 Berlin Treaty and the 1910 Brussels Convention had left on Congolese territory many persons originating from the Kingdom of Rwanda, both Tutsi and Hutu. During the colonial era, there had been other incidents between the people today known as the Banyamulengue and other ethnic groups (the Fulero, for instance), and new waves of migration - either prompted by colonization or spontaneous - had arrived from Rwanda in the Congo (approximately 80,000 people between 1934 and 1954).

31. Following the Rwandan political crises of 1959 (overthrow of King Kigeri Ndahindurwa) and the 1970s, new waves of Rwandan Tutsi refugees had arrived and settled in northern Kivu, in the Masisi region. The Congolese people had begun to denigrate them as being foreigners. As from the mid-1970s, they had begun to identify themselves with a hitherto unknown epithet, "Banyamulengue" or people of Mulengue.

32. In 1972, the fact that a Munyamulengue had been President Mobutu's right-hand man had led to the enactment of a law giving all Banyamulengue Zairian nationality, which had inflamed anti-Rwandan feelings. One of the main causes of the wars that had begun in 1996 was precisely the political conflict over nationality, which had been very poorly handled by Mobutu and the Zairian political class.

33. In fact, the 1964 Constitution and the 1965 decree had granted the Banyarwanda Congolese nationality, enabling them to vote in the 1965 and 1967 elections. But the 1967 Constitution had left the problem unsolved, until they had been granted nationality in 1971

under Decree-Law No. 71-020 (whose effects had been limited in 1972 to those people who had been living in Kivu prior to 1960) only to be denied nationality again by the law of 1981. The 1991-1992 National Sovereign Conference had also left the dispute unresolved.

34. The arrival in eastern Zaire in July 1994 of 1.2 million Hutu refugees, some 20,000 of them soldiers, and even more Interahamwe ("Those who attack together") responsible for the unspeakable genocide in Rwanda, had increased Zairians' resentment towards the Kinyarwanda. That resentment had been at the origin of the agreement approved by the Upper Council of the Republic-Parliament of Transition (HCR-PT) on 28 April 1995, which had called for the repatriation, unconditional and without delay, of all Rwandan and Burundian refugees and immigrants, and the resettlement of displaced Zairians on their lands in rural areas.

35. The resentment against the Rwandans had grown as a result of the raids on Congolese Tutsis in Masisi carried out by Rwandan Hutu refugees living in camps in northern Kivu, with the support or complicity of the Zairian Armed Forces (FAZ), raids which had even spread over into Rwanda to attack survivors of the genocide. Those same acts had caused a feeling of insecurity in Rwanda, since the Hutu refugees had been living alongside the border and had apparently been under the protection of Mobutu, who had never got round to ordering the expulsion of those responsible for intimidation.

36. The unresolved problem of the nationality of the Rwandans had been brought to the fore again, mainly by the Banyamulengue, as from late 1995. The war begun in September 1996 had been an unusual one: like any war, it had brought death and destruction, but no battles had been fought. In eight months the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL), comprising Rwandan, Ugandan, Burundian and Congolese rebel troops under the command of President Kabila, had taken over the huge country that had once been Zaire and was today the Democratic Republic of the Congo (DRC). The vast majority of those killed had been Hutu refugees living in camps.

37. With the demise of the AFDL and the expulsion of its Rwandan members, Rwanda had invaded the DRC on 2 August 1998, unleashing the war currently being waged. Once it had begun, a group called the Congolese Raliy for Democracy (Rassemblement congolais pour la démocratie) was formed. It had supported the Rwandan and Ugandan forces and had been bedevilled by internal dissension. Initially, the Government of the DRC had responded with violent racist attacks on the Tutsis, a policy which it had fortunately abandoned, albeit somewhat late in the day.

38. The Special Rapporteur then raised the question whether the international community could have averted the wars in the east of the DCR and whether they had been exclusively ethnic in character.

39. On the first point, he considered that the wars could have been prevented by the following measures:

(a) The problem of the nationality of thousands of persons who had been living on Congolese territory for more than eight generations should have been solved, in accordance with the right enshrined in article 15 of the Universal Declaration of Human Rights;

(b) Those responsible for the Rwandan genocide should have been removed from the refugee camps in which they had been living, as UNHCR and he himself had repeatedly called for;

(c) The civilian population should have been protected from the abuses they had suffered at the hands of the refugees allied to the FAZ;

(d) The incitement by the HCR-PT and Mobutist ministers to expel all Rwandan and Burundian refugees and expatriates should have been prevented;

(e) The frontiers should have been guarded to prevent the refugees from making incursions into Rwanda;

(f) The AFDL should never have allied itself with foreign troops to overthrow Mobutu.

40. As to the second point, the Special Rapporteur showed how the ethnic animosity had fluctuated according to the political situation in Zaire and later Congo, and external factors such as humanitarian assistance and the policy of assistance to the refugees. He considered that the presence of 1.2 million Hutus in the refugee camps, including the perpetrators of the genocide, the support which the latter had received from the dictator Mobutu, the fact that Mobotu had not taken action to remove the intimidators, the imported violence, and the humanitarian assistance accorded by UNHCR and the NGOs to the refugees but not to Zairians, whose lands had been devastated, were factors which had converted anti-Kinyarwanda feeling into anti-Hutu feeling.

41. Furthermore, when in 1996 the Banyamulengue had claimed Zairian nationality, when the Rwandan and Ugandan troops had attacked Zaire, when a number of prominent Zairians had been assassinated (Monsignor Christophe Munzihirwa, Archbishop of Bukavu, for example), when the inhabitants of the refugee camps had been victims of attacks which had caused the deaths of 150,000 people and the displacement of hundreds of thousands of others, and when persons not recognized as Congolese, but as Rwandans, had been appointed to posts of responsibility within the DRC, the target of the long-standing rancour had shifted from the Rwandans to the Tutsis.

42. The Special Rapporteur repeated that the ethnic, regional or political crises such as those which had occurred in the east of the former Zaire had been foreseeable and, hence, avoidable, notably by implementing the principles of preventive diplomacy and remaining alert to all the crisis signals, including the reports of the special rapporteurs of the Commission on Human Rights, of which unfortunately insufficient account had been taken.

43. Preventive diplomacy must aim at establishing democracy and strengthening human rights, since it should not be forgotten that not one of the hundreds of wars fought in the twentieth century, in which virtually all the countries of the world had participated, had ever been waged between two democracies. In all of those wars, at least one of the belligerents had been a dictatorship. The basic principle of any democracy was pluralism and tolerance in all spheres (religious, political, racial), which meant that ways of solving a crisis could always be found.

44. Given that one of the prime causes of the African political crises of an ethnic or regional character was militarism, the Special Rapporteur suggested that special priority must be given to mutually-agreed arms limitation. Both limitations on arms sales and any embargoes that might be necessary must be based on the principle that countries must not only refrain from conducting official transactions, but must also prevent their national arms dealers from violating those bans.

45. Lastly, the Special Rapporteur stated that another major obstacle to peace was impunity for violations of human rights; all those responsible for atrocities must be brought to trial.

46. During the discussion which followed the two statements, participants referred to the importance that must be attached to historical factors in the origin of the conflicts in Africa. It was stated that, for example, the legitimate claims of Africans concerning land of which they had been deprived as the result of colonization and racist policies, as in the case of Zimbabwe, should not be confused and interpreted as manifestations of racism. Furthermore, the analysis of historical factors should make it possible to establish a link between the status of Africans on their continent resulting from the divisions instigated by the colonizers and the situations of conflict which their descendants were facing in the Americas as a result of the slave trade. Account should also be taken of the role of religion as a divisive factor, the religious proselytizing of missionaries having also caused cleavages between individuals and groups. At the same time, religion could provide a means of bringing people closer together when they were able to endorse the positive values of each religion. Views of that kind were currently being advanced in Africa.

47. It was recalled that, in the prevention of conflicts, the social dimension of democracy must be placed to the fore in order to offset the primacy accorded to its political dimension in Africa. Democracy provided a social framework in which individuals could learn to live together and respect one another, whereas ethnicity set itself against democracy by accentuating social divisions, preventing individuals from making up their minds on the basis of democratic values and encouraging them to refer to identity-related criteria in their political options. Reference was made to the right of the individual to live in a democracy as a precondition for guaranteeing human rights. It could not be claimed, as was sometimes done, that the African peoples were not yet ripe for that political system. Nor should reference be made to the concept of "good governance" in lieu of democracy. That concept seemed designed to conceal unavowed support for dictatorial regimes, at the expense of the promotion and protection of human rights, provided that those regimes were based on flourishing economies responding to market demands.

48. It was further recalled that Africa had experienced and was still experiencing traditional methods of conflict resolution which seemed to be left on one side in favour of exogenous methods. At the time of colonization, the colonizers had replaced the traditional institutions by colonial or customary tribunals, the offence being characterized in customary terms but the punishment remaining colonial (imprisonment, fine, forced labour, etc.) It was observed that the discussion should focus on both prevention and the management of conflicts when the latter had already broken out, and the means of ensuring that conflicts did not degenerate into genocide was also discussed. In that connection, it was recalled that the interventions of the United Nations and OAU had been inadequate in Rwanda and the DCR, where they had been unable to prevent genocide and massacres.

49. Some participants observed that ethnic and racial conflicts should not be viewed exclusively from the standpoint of relations between Europeans and Africans. There were, in fact, other ethnic communities in Africa - those of Arab or Asian origin. Admittedly there were tensions, but there were also examples of harmonious co-existence which must be publicized.

50. It was stressed that armed conflicts led to population displacement, international migration, statelessness and exclusion, social marginalization, xenophobia and environmental damage. Groups of individuals affected by those phenomena were often in a situation of lawlessness and their living conditions were precarious.

51. Mr. Bertrand Ramcharan, Deputy High Commissioner for Human Rights, intervened in order to refocus the discussion, suggesting that the Seminar should take up the following points: (a) the contemporary view of the State in a multi-ethnic society, and how to articulate that view so as to make it inclusive; (b) the constitutional structure of the State, aimed at promoting harmony and inclusion within the State; (c) the treatment of minorities with a view to promoting equality and eliminating discrimination; (d) the national measures a multi-ethnic State could take to avert the problems that might arise between its various population groups, notably the need to establish national institutions that would oversee respect for equality and the identification of conflicts; (e) the evolution or adaptation of regional institutions for the purpose of guaranteeing minority rights more effectively.

B. Implementation of human rights norms and principles as a national prevention strategy against ethnic and regional conflicts in Africa

52. At the second meeting on 4 October, Mr. Philippe Kabongo Mbaya introduced his contribution, which had been made available to participants in document HR/ADDIS/SEM.4/2000/BP.4/Add.1. His thoughts were outlined in three stages: the examination of the provisions of international instruments in relation to the violence and conflicts covered by the Seminar; the conditions necessary for, and climate conducive to, the implementation of human rights norms and principles; and lastly, specific proposals relating to education, acceptance of difference and citizenship.

53. Discussing the provisions of certain international human rights instruments, Mr. Kabongo Mbaya said it was those which, in various international and regional instruments, concerned peace in society, security, citizenship, the right to development, collective security, and the rights of ethnic, racial and religious minorities that were linked to the problems of identity-related violence and conflicts.

54. He first discussed the provisions of the Universal Declaration of Human Rights, article 2 of which set forth the principle that all were equal in the enjoyment of the rights and liberties it proclaimed "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin". The thrust of article 7 of the Universal Declaration was similar but established equality before the law. Articles 13, 15 and 18 dealt with the rights of residence and free movement within a State, the right to a nationality, and the right to freedom of thought, conscience and religion. Lastly, article 29 mentioned the duties of each person vis-à-vis the community.

55. The African Charter of Human and Peoples' Rights recapitulated the human rights set forth in United Nations instruments and placed them in a modern African setting. Article 2 stated that every individual shall be entitled to enjoy the rights and freedoms guaranteed in the Charter "without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion". Article 3 established the equality of every individual before the law. Articles 8 and 10 concerned freedom of conscience and religion, and the right of association. Article 12 laid down the right of residence and freedom of movement, paragraph 5 stating: "The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups".

56. The African Charter broke new ground in article 23 by setting forth the right to peace. The same article recognized the right of asylum and associated obligations as follows: "For the purpose of strengthening peace, ... States Parties to the present Charter shall ensure that: (a) any individual enjoying the right of asylum ... shall not engage in subversive activities against his country of origin or any other State ...; (b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State ...". Similarly, article 29, in paragraphs 2 to 5, dealt with the duties of the individual towards his national community.

57. On the basis of the analysis of those provisions, Mr. Kabongo Mbaya observed that at the heart of human rights as embodied in both the Universal Declaration and the African Charter there was a major challenge relating to otherness. Beyond the basic principles on which equality and the condemnation of discrimination rested, human rights raised the question of how to go about living together, socially and nationally, without fear of people who were different and without seeking to reject them because they were different. The long-term objective of human rights was not simply tolerance or respect for others. Beyond simple tolerance and respect, human rights pointed to the possibility of a culture of responsibility and solidarity. To be able to recognize that another person was a face over whom one had no power but to whom one owed a duty of assistance if his life, freedom or dignity was in danger - that was the true aim of human rights. That was also a statement of the primary conditions for peace in society and citizenship.

58. Mr. Kabongo Mbaya went on to emphasize that the conflicts in Africa generally involved the problem of the status of ethnic and racial minorities. The rights of minorities had in fact been asserted late in the day. It always used to be believed that respect for the founding principles of human rights, equality and non-discrimination, were sufficient to combat and prevent identity-related injustice and violence. The International Covenant on Civil and Political Rights was the only instrument to have recognized the rights of people belonging to ethnic, religious or linguistic minorities (art. 27).

59. He said the fact that the African Charter did not explicitly spell out minority rights, while it did uphold the rights of peoples, was due to the range of priorities that had been widespread among African leaders when the Charter had been drafted. They had tended to be more concerned with consolidating "independence", combating colonialism and apartheid, and building Nation States. The vision of Africa "from above", with its great ideological ambitions and its "white elephants", its single parties and its "fathers of the nation", also promised

democracy "from above". It was based on a propaganda formula that misleadingly equated society, "the people", and "the nation". In such a setting, the idea of democracy "from below", meaning social diversity and true political pluralism, represented a threat.

60. Turning to the second theme of his statement, Mr. Kabongo Mbaya said that the African States had a primary role to play in the prevention of ethnic and racial conflicts. The first responsibility of any authority was in fact to ensure the security of people and property. Such security corresponded to a situation where there was nothing to fear. In the case of the individual, it was a basic principle of human rights. It took the form of assurance: individuals were entitled to security of the person. That basic human-rights principle applied collectively to groups: peoples must be able to live in safety. They were entitled to live free of the fear of war, which the United Nations Charter described as a scourge. That was and remained the ultimate objective of African States.

61. Despite the crises affecting a number of African States, several of them had incorporated human rights in their constitution. Some States placed them in the body of the constitution, while others mentioned them in the preamble. That was not insignificant since the section of the constitution that served to establish them gave reason to consider them genuine legal prerogatives, and not just expressions of faith. Furthermore, Africa's founding fathers had made provision for safeguards and monitoring mechanisms to protect the fundamental rights and freedoms of citizens. There were countries where an individual could take his case straight to a high-level judicial body (constitutional court or council, supreme court, etc.) if his rights were violated.

62. However, Mr. Kabongo Mbaya considered that, beyond the existence of the institutional machinery and procedures established, the extent of Africa's real involvement in the move to afford constitutional protection for rights and liberties should be assessed by considering how the machinery and procedures were actually used from one State to the next. There had been no shortage of ministries, State secretariats, government departments and mediators responsible for human rights in Africa since the 1980s. From the incorporation of human rights in the fundamental laws of the State to the establishment of specific ministerial offices and the recognition that the courts and tribunals had jurisdiction over human rights procedures, Africa had legal instruments, machinery and safeguards fully available for an overall strategy to protect and promote human rights. Whatever one might think of the enunciation of human rights in African constitutions or the introduction of human rights machinery and safeguards, one thing was clear: fundamental rights and freedoms were now an issue among African Governments, international opinion and domestic social forces. That conclusion could enable States to be even more deeply involved in the expansion of machinery for the protection of those rights and freedoms and in the fine-tuning of the related safeguards. That prospect called for the establishment of the rule of law, a certain quality of governance, and a degree of stability and security that did not currently exist in most African societies.

63. Mr. Kabongo Mbaya said that African civil society too had an important role to play in the prevention of ethnic and racial conflicts. The vitality currently shown by African human rights associations reflected the deepest aspirations of African societies for more freedom, democracy, peace and security. Such associations should work in conjunction with other actors in civil society to draw the authorities' attention to deficiencies in human rights law. Human

rights associations might also endeavour to turn the African Charter on Human and Peoples' Rights, which might at first appear to be a matter for OAU member States, into a genuine instrument for African citizens. If they felt involved, the latter might bring pressure to bear on their Governments in order, for example, to expand and clarify certain prerogatives, set up the African court on human and peoples' rights, and remedy deficiencies in the Charter.

64. In that connection some of the African Charter's provisions were susceptible of improvement. For example, the Charter made no reference to the rights of ethnic minorities; on the other hand, it spoke explicitly of the duties of States towards refugees and exiles and made the latter subject to obligations relating primarily to the security of States and national communities. The security in question actually amounted to no more than protection of the regimes and groups in power. Recognition of the rights of ethnic and racial minorities in Africa would represent progress only if civil society made it a key issue as a matter of conscience and an ethical requirement for living together, or citizenship based on recognition of difference as an essential value. That was the basis on which the commitment of the African human rights leagues to civil harmony and individual and collective security must be made.

65. In the third part of his statement, Mr. Kabongo Mbaya made some concrete proposals concerning human rights education and conflict prevention, including:

(a) An information campaign aimed at raising the human rights awareness of the greatest possible number of people through the following: (i) Radio, television and newspaper competitions relating to the main human rights instruments at the national, regional and international levels; (ii) Programmes for children aged between 5 and 10 in public and private schools, aimed at raising their awareness of such topics as respect for others, equality, citizenship and recognition of the "sacred" character of human life. Appropriate teaching materials were needed for such work with schoolchildren;

(b) Establishment of permanent structures for studying the root causes of conflicts and identifying obstacles to collective peace and security;

(c) Study, in cooperation with bodies and groups working on mediation and/or conflict resolution, of African cultural principles relating to living together, ethnicity, civil harmony and peace in border areas;

(d) National peace and reconciliation campaigns which demonstrated how reference to human rights and efforts to implement them gave everyone independence of belief, moral strength and inner intelligence, without which nothing viable could be built in a given society.

66. During the discussion on the topic introduced by Mr. Kabongo Mbaya, comments were made on the role of the State in guaranteeing the security of property and persons. Some speakers noted that the appropriation of political controls and tools for the management of public affairs tended to neutralize the State's role in that respect. For reasons of political expediency, the State tended to violate the rules it was supposed to enforce for the benefit of its citizens, which was a major obstacle to conflict prevention. A number of speakers pointed out, however, that it was for the State to guarantee equality among citizens and to ensure that ethnic or racial origin did not give rise to discrimination. As everyone realized, the breakdown of the State led

to a situation of lawlessness conducive to all sorts of human rights violations. Consequently, the stability of a State was necessary in order to guarantee human rights, but should not take precedence over the rights themselves. The State's capacities in the political, administrative and judicial spheres therefore needed to be increased if the rule of law was to be strengthened.

67. It was emphasized that the principle of non-discrimination, a principle which underlay international humanitarian law, must be guaranteed in time of peace as well as during periods of conflict. According to the Geneva Conventions, no consideration should be given to race, origin or nationality where assistance to the victims of armed conflicts was concerned. In periods of peace, therefore, and to prevent atrocities resulting from armed conflicts, it was important to raise people's awareness of the principle of non-discrimination and the provisions of the Geneva Conventions. Military leaders should also receive appropriate training in that regard. Through its advisory services, the International Committee of the Red Cross provided the required training in that area and was prepared to respond to any requests it received.

68. It was also stressed that a prerequisite for conflict prevention was the ratification and implementation of the international and regional human rights conventions. Efforts should aim at ensuring that national laws and customary law were not incompatible with international human rights norms, hence at harmonizing the national legal system. States should also make the instruments to which they acceded available to the public in general and to law-enforcement officials in particular, since respect for human rights presupposed knowledge of the relevant instruments. The defence and promotion of human rights were essential components of the right to education. Human rights should not be paid mere lip service. In particular, States that had not yet done so should follow the example of several African States by incorporating the principle of equality into their constitutions and adopting a law against racial discrimination in all its forms.

69. Several participants considered that impunity for human rights violations committed at the national level was also a source of conflict. It was therefore necessary to promote the establishment of the African Court on Human and Peoples' Rights and the International Criminal Court.

70. It was felt that, to advance the cause of peace, it was necessary to move away from the idea that war was the continuation of politics by other means, as war was in fact the negation of politics. Similarly, if peace was the desired goal, it was necessary to lay the groundwork for peace and not, in the words of the old adage, prepare for war. The promotion of brotherhood, solidarity and tolerance was the essential basis for developing a culture of peace.

71. In view of the role which civil society could play in conflict prevention, and in view of the distrust shown by many States towards organizations in that sector, it was recommended that the international community should provide adequate support for civil-society activities.

C. Realization of economic, social and cultural rights and the right to development as a strategy for the prevention of ethnic and racial conflicts

72. At the second meeting on 4 October, Ms. Tokumbo Ige introduced the background paper she had prepared (HR/ADDIS/SEM.4/2000/BP.5), stating that, since the World Conference on Human Rights held in Vienna in 1993, all human rights, whether civil and political or economic,

social and cultural, had acquired equal importance. Despite the difficulties that persisted, at both the international and domestic levels, in the implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights of 1966, ways were being sought to promote those rights more effectively. At the African regional level, economic, social and cultural rights were an important component of the African Charter on Human and Peoples' Rights. The African Governments had adopted the Charter in order to give practical form to their commitment to break from a legacy of massive and brutal abuses of human rights, compounded by poverty and underdevelopment. The Charter symbolized their desire to pay particular attention to the right to development and the satisfaction of economic, social and cultural rights, while guaranteeing the full enjoyment of civil and political rights for their peoples. However, given Africa's economic situation, not much had been done in the area of monitoring the implementation of those rights by States parties to the Charter.

73. Regarding the right to development in particular, Ms. Ige noted that recent changes in approach within the United Nations aimed at linking human rights with development and the call for a rights-based approach were positive indications which Governments and institutions working in those areas should take increasingly into account in preparing and executing their projects. The right to development as a fundamental right ensured its intended beneficiaries, whether individuals, groups or States, access to natural resources, participation and accountability in development matters. Unlike other rights, the right to development imposed obligations on States, international organizations, peoples, social groups, individuals and all other subjects of law. As an individual and collective right, in the African context it had been included in the category of collective or peoples' rights. However, the scope and content of that right had yet to be determined by the African Commission, a fact which for the moment made the monitoring of its realization difficult.

74. Within the international sphere, the links between development, peace and security were fundamental. Therefore, development was a matter of international concern which imposed obligations on all States. All States thus had an obligation to promote the development of their own people, and, through cooperation and solidarity, to assist and support States trying to meet that obligation. That was particularly important at a time when globalization was forcing some States into trade agreements with critical implications for the well-being of their people. The call for global good governance required more force in order to be heard. Globalization and its impact posed a threat to economic and social rights. The globalization process had led to the emergence of powerful economic non-State actors acting within the ever-loosening framework of economic liberalization. Poverty and underdevelopment were causing increasing destruction in societies as a result of the action of such actors, whose power was a threat to the existence of many African States, especially as their presence led to an increase in human rights violations. In present times, the greatest obstacle to peace was the arbitrary use of the immense economic power concentrated in the hands of non-State actors who were accountable to no one.

75. Although de jure discrimination had been abolished throughout the world, de facto segregation now presented a major challenge. In countries where racial discrimination had once been legal and in others where there were a high number of immigrants, statistics revealed a relationship between socio-economic status, race and origin. Unfortunately, that relationship was being transmitted from one generation to the next and was fast becoming self-perpetuating. The general apathy of the ruling elite towards the plight of the majority in its society was also

contributing in no small measure to that form of discrimination. Protection for victims of that form of discrimination in national or international law was weak and in most cases non-existent. The concept of cultural rights in existing human rights treaties was not well adapted to the circumstances of multi-ethnic societies with national minorities and even less so to immigrant societies. National constitutions were also not very effective in protecting minorities and other vulnerable groups. At a minimum, the spate of constitution-making that had taken place in Africa over the past decade represented a general commitment to the ideal of governance and participation without much action to support it. Instead, constitutions were used as a means of perpetuating the dominance of the group in power or of one group in society to the exclusion of others. As a result, issues of xenophobia and related intolerance are not adequately dealt with.

76. Referring to Africa's difficulty in realizing economic, social and cultural rights and, in particular the right to development, as guaranteed by international and regional instruments, Ms. Ige said that the causes of past and present African conflicts included unequal access to power or natural resources and discrimination on grounds of ethnicity and/or religion. At the root of the unrest was a struggle, in many cases legitimate, for control of resources and political power, and a rebellion against mismanagement of the nation's resources, compounded by foreign interventions and international resistance to effective implementation of the right to development.

77. In conclusion, she proposed the following elements for a strategy for the prevention of ethnic and racial conflicts based on economic, social and cultural rights, including the right to development:

(a) African Governments should be called upon to support the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights which would make it possible to consider individual complaints of violations;

(b) African Governments which had not ratified the International Covenant on Economic, Social and Cultural Rights should be urged to do so, and those which had should be reminded of their obligation to promote and protect the rights guaranteed in the instruments they had ratified, especially the African Charter;

(c) The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should reiterate the importance of the enjoyment of all human rights by all persons without discrimination and the need to provide adequate remedies at the national level where violations occurred;

(d) There was a need to give legal meaning and support to economic, social and cultural rights and the right to development at the domestic level; concrete steps should be taken to entrench those rights in constitutions and ensure their justiciability as human rights and not mere aspirations; judges and lawyers had an important role and responsibility in that regard; their independence must be safeguarded by Governments;

(e) National constitutions must guarantee protection of the rights of all individuals and groups, especially the rights of minorities, women and members of other disadvantaged groups; all universally-accepted human rights and freedoms must be entrenched in the

constitution and given equal status; the importance of the principle of non-discrimination as non-derogable should be underlined; it was important that all sectors of society should be involved in all stages of the preparation of a constitution and that plurality of views be respected;

(f) Furthermore, there was a need for a concerted effort at the national, regional and international levels towards creating more awareness and education concerning the nature, content and importance of economic, social and cultural rights and the right to development; that awareness process must emphasize the need for tolerance and respect for differences; the United Nations Decade for Human Rights Education should be revitalized and used as one of the avenues for giving priority to those rights; the African Commission on Human and Peoples' Rights should give priority to the monitoring of those rights and assist States parties by providing interpretative guidelines as to their scope;

(g) There was a need to reinforce the United Nations Declaration on the Right to Development by the adoption of a binding instrument, such as a treaty;

(h) More effort needed to be deployed to ensure that the policies and programmes of the multilateral development banks, transnational corporations and national corporate entities were regulated by human rights principles; the World Conference against Racism needed to remind Governments of their obligation, under the International Covenant on Economic, Social and Cultural Rights, to promote those rights through international cooperation and solidarity.

78. During the discussion that followed the introduction of that topic, several participants stressed development as a means of preventing conflicts. Most emphasized that the right to development was a fundamental human right essential to the stability of States. Consequently, the international community was repeatedly called on to take action with regard to poverty, which represented a major human rights violation and was undermining development in Africa. A number of participants cited the economic marginalization of Africa due to globalization and measures imposed on the African countries by the international financial institutions as manifestations of racial discrimination that should be addressed by the World Conference. Some participants, taking a historical approach to Africa's development problems, stated that the former colonial Powers, in cooperation with the international community, should adopt compensatory measures for the benefit of the inhabitants of Africa and the African diaspora, as redress for the exploitation of Africans' material and human resources and the expropriation of their land.

79. The hope was expressed that the initiatives taken by the Secretary-General of the United Nations under the Global Compact to involve private enterprise in development, protection of human rights and the reconstruction of countries emerging from war would produce tangible results in Africa, in particular through increased investment.

80. It was pointed out that, in the face of Africa's development concerns, a predatory war economy had developed on that continent, led by regional and international actors who accentuated identity differences in order to exacerbate conflicts and exploit mineral resources such as oil, gold and diamonds by taking sides in the conflict and engaging in the arms trade.

81. Some participants stated that the African countries were under an obligation to implement the provisions of the International Covenant on Economic, Social and Cultural Rights without waiting for external intervention, in order to eliminate the regional disparities that led to conflicts. It should be reiterated that such rights were core human rights and that efforts to elaborate a protocol additional to the Covenant enabling individuals to lodge complaints with the Committee that supervised its implementation should be supported as a means of ensuring that States parties fulfilled their obligations.

82. It was also stated that poverty, too, led to migratory movements. Numerous undocumented and untrained migrants were forced into clandestine and precarious working conditions, and fell prey to trafficking in labour and xenophobia in the countries to which they migrated, whether in Africa or in the industrialized countries.

D. Strategies for the promotion of national integration and social harmony (human rights education, role of the media and civil society)

83. At the third meeting on 5 October, in the absence of Mr. Hatem Kotrane, the topic was introduced jointly by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and Mr. Getachew Demeke, ECA Special Adviser on Economic and Social Questions.

84. Mr. Glèlè-Ahanhanzo stressed the need for outreach work to make people aware of the international instruments and the human rights principles they contained. In that connection, human rights education should aim at enabling individuals to apprehend the philosophy of human rights so that those rights would not remain mere slogans and incantations. Some methods of providing such education were all kinds of school and university courses, campaigns in the field, and discussions comparing local customs and mores with human rights requirements. Another method was training of law-enforcement personnel. As democracy was the basis for the promotion and protection of human rights, efforts should also aim at gaining adherents to its principles through education, radio programmes and public debates on concepts such as the right to vote, multi-party democracy, freedom of opinion and expression, freedom of association, etc.

85. However, in order that human rights might be genuinely understood and experienced by Africans, States must stop regarding the dissemination of those rights as subversion. In fact, making citizens aware of their rights and duties contributed to better governance and the promotion of social justice.

86. Mr. Getachew Demeke focused on the role of the media and civil society in developing a culture of peace and human rights. He considered that the media and civil society should, in conjunction with State-run activities, raise awareness of peace and tolerance. Newspapers, for example, should publish columns devoted specifically to human rights and the culture of peace. A strong civil society was the key to the maintenance of peace and security: the more citizens participated in community activities, the better they were able to offset the omnipotence of the State and reduce sources of conflict. The State was still too powerful in most African countries and tended to restrict the areas in which civil society could make a contribution to social harmony.

87. During the discussion, some participants observed that the promotion and protection of human rights should not be made a professional issue reserved for legal experts. Human rights permeated all areas of culture, including politics, history, sociology, anthropology and philosophy. Human rights education should therefore be of a multidisciplinary nature. In addition, legal practitioners (judges and lawyers), whatever their area of specialization - civil, private, constitutional, criminal or other types of law, should familiarize themselves with human rights, whose contents they often knew little about. Law-enforcement officials, economic actors, health professionals and religious leaders should also acquire some knowledge of human rights.

88. It was maintained that the subversive nature of human rights was inherent in those rights, which had been won from an omnipotent State over many years. Thus had individuals and peoples accepted their responsibility for demanding such rights rather than waiting for them to be granted by the State. Awareness of human rights and the political discussion surrounding them were therefore aimed at enabling individuals to expand their freedoms as far as possible. One speaker, however, felt that the objective of promoting human rights was not to create instability but rather to strengthen society's democratic foundations.

89. With regard to the media, it was noted that radio was the best medium for promoting human rights, as radio programmes reached the population groups living farthest from the urban centres. However, it could also be used effectively to disseminate messages of xenophobia and ethnic hatred which easily influenced people. Care must therefore be taken to ensure that that powerful medium was not manipulated by those who sought to promote ethnic and racial divisions. However, some speakers said that freedom of opinion and expression was essential to the promotion and protection of human rights. The media had responsibility not only for reporting human rights violations, but also for publicizing human rights concepts and the positive measures taken by the authorities. The State should not therefore interfere in media activities. The issue of decriminalizing journalists' comments had arisen in some countries. It was felt, however, that freedom of the press must not mean licence for media professionals to take liberties with the facts and engage in sensationalism to the detriment of truth. Freedom of the press must not be exercised to the detriment of the other rights. The press must respect the honour and dignity of persons as well as institutions. Provided they were impartial and objective, the media could serve as an early-warning mechanism when tensions existed in a given country.

90. One participant stated that an effective means of promoting the principle of equality and tolerance through education was to eliminate all concepts and references of a racist nature from school and vocational curricula and school and university textbooks. Some countries had already taken measures to that end; all the actors involved in the promotion and protection of human rights at both the national and international levels should expand such measures.

91. It was emphasized that, given the proliferation of international and regional human rights instruments, it was important for outreach purposes to lay stress on the main instruments (International Bill of Human Rights, International Convention on the Elimination of All Forms of Racial Discrimination, African Charter on Human and Peoples' Rights, Geneva Conventions on international humanitarian law, Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), in order to avoid confusion.

E. Prevention of ethnic and racial conflicts through the establishment of independent organs for mediation, conciliation and promotion of social dialogue

92. At the third meeting on 5 October, Mr. Kenneth Attafuah, replacing Mr. Francis Emil Short, President of the Ghanaian Commission on Human Rights and Administrative Justice, introduced the topic of the prevention of ethnic and racial conflicts through the creation of mediation, conciliation and social-dialogue bodies, based on document HR/ADDIS/SEM.4/2000/BP.7. He spoke with special reference to the experience of the Ghanaian Commission on Human Rights and Administrative Justice and to the role of traditional Ghanaian institutions in mediation, conciliation and the initiation of social dialogue to prevent or manage ethnic and racial conflicts.

93. He said that, despite great ethnic diversity (approximately 70 ethnic groups), Ghana could be regarded as a stable country where the various human groups lived together in harmony, due in part to a policy of encouraging understanding and peace initiated at an early stage by the country's first president, Kwame Nkruma, and the establishment of mediation, negotiation and conciliation institutions. The few inter-ethnic conflicts that had occurred in the course of Ghana's history had been settled quickly and had not led to large-scale violations of human rights.

94. Modern institutions such as the Commission on Human Rights and Administrative Justice, the Electoral Commission, the National Media Commission, the National Commission for Civic Education, the National Security Commission, the Council of State and a traditional institution such as the House of Chiefs ensured the stability of Ghanaian society. The role of each institution was defined in the Ghanaian Constitution of 1992.

95. The Constitution of Ghana imposed an obligation on the Commission on Human Rights and Administrative Justice to employ negotiation, as far as appropriate and practicable, in resolving human rights and administrative justice complaints. At present the Commission resolved approximately 65 per cent of all human rights and administrative justice complaints through mediation. Unlike the courts, its informal, more expeditious and inexpensive processes were more conducive to the resolution of conflicts. That procedure had been used extensively in handling disputes between employers and employees, issues of maintenance and distribution of the property of persons who died without having made a will, domestic abuse and even community conflicts. The Commission employed community and inter-group mediation as a technique in managing and resolving conflicts in communities and between competing ethnic factions.

96. The National Media Commission was responsible for ensuring freedom of opinion and expression in the media and ensuring that the media were not used for incitement to racial, ethnic or religious hatred. The Commission also acted as mediator in conflicts between individuals and the media, for example in cases of defamation. Some experts noted that under the Constitution, complaints by officials against the media were not brought before the courts immediately but were examined and resolved by the Commission.

97. The National Commission for Civic Education (NCCE) played a leadership role in educating the public about their rights and responsibilities under the Constitution and the laws of Ghana. The efficient and effective discharge of that function was important in securing national harmony and cohesion and reducing ethnic rivalry and political intolerance. The purpose of the creation of the NCCE was to ensure that, on a continuing basis, a national dialogue on the fundamental law of Ghana and the principles underlying it was brought to the objective awareness of all citizens of the country. That had been necessitated by the recognition that a large proportion of Ghanaians were not literate, and not many literate people actively concerned themselves with civic education, human rights, democracy, constitutionalism, lawfulness or tolerance of ethno-cultural and political diversity.

98. The Electoral Commission was responsible for holding periodic free and fair elections during which all qualified citizens could exercise their right to vote for candidates and parties of their choice. They also had a responsibility to educate the people on the electoral process and its purpose. The ability and opportunity of every qualified citizen to exercise that important human right contributed to the maintenance of peace and stability in Ghanaian society.

99. With regard to the role of traditional chiefs and the National House of Chiefs, Mr. Attafuah stated that, in Ghana, the institution of chieftaincy was a cornerstone of its diverse culture and chiefs were regarded as the custodians of the peoples' different cultural heritage. Despite colonial manipulations of, and the pervasive debilitating influence of Westernization and modernity on, the institution of chieftaincy, chiefs in Ghana wielded considerable social and political power. As the embodiment of culture and traditional authority, chiefs were deeply respected by their subjects and the institution of chieftaincy, by mediating personal and social conflicts and fostering a nascent sense of interculturalism and mutual respect among different ethnic groups, had been one of the stabilizing factors in the social and political evolution of Ghana.

100. While seeking to maintain the dignity of chiefs as "Nananom", or as the grandfathers and grandmothers of their people, as custodians of wisdom and as mediators of conflicts, Mr. Attafuah explained that the Constitution also enjoined chiefs to abstain from partisan politics, but they might hold public office for which they were qualified.

101. To ensure that chiefs were able to perform effectively their sundry duties, including their important mediating role, article 271 of the Constitution of Ghana instituted National and Regional Houses of Chiefs, which met to mediate in matters affecting traditional laws and the chiefs themselves. The chiefs, then, had their own parliament, as it were, to discuss and decide on matters affecting any one of them, affecting them collectively or affecting their people. Issues of ethnic harmony and national peace were routinely discussed at the meetings of Nananom. That ensured the timely mediation and resolution of most of the potentially explosive ethnic or racial disputes that periodically emerged, thereby preventing such disputes or disagreements from degenerating into full-scale conflicts. Such mediation sessions generally proceeded in accordance with traditional principles and norms familiar to the chiefs and their people.

102. Mr. Attafuah stressed that the creation of the National and Regional Houses of Chiefs had elevated the status of chiefs in dealing with conflicts. Thus, it was clear that traditional or ethnic

groups had not been left to compete against each other in brutal fights resulting in bloodshed and destruction of property. The institution of chieftaincy, and the Houses of Chiefs in particular, were critical in preventing ethnic and racial conflict through the creation of mediation and dialogue bodies.

103. Although chiefs played an essential role in Ghanaian society, to be genuinely effective they should improve their methods of conflict management and resolution, accept certain values of modern life, be of high moral integrity and work in cooperation with other actors in society, especially the sectors of civil society which were also working towards peace and harmony.

104. Mr. Attafuah concluded by stressing that the success of Africans in the new millennium would depend very much on their ability to prevent, manage and resolve ethno-cultural and political conflicts, to make democracy flourish, to institutionalize the rule of law, and to create a culture of civic awareness and responsibility. Their success would also depend on their ability to foster peace and tolerance of diversity that would ensure sustainable social and economic development. A prerequisite for the prevention of ethnic conflicts was the empowerment of citizens with the necessary skills and tools to evaluate critically information they received from the media and their own leaders, and to participate effectively in the important national duty of ensuring compliance with the highest standards of human rights and democratic behaviour.

105. During the discussion, several speakers stressed the innovative nature of the Ghanaian experience, which other countries might take as a model. Other examples of traditional institutions for conflict prevention and resolution were cited, such as the possibility in certain countries of allowing the communities to set up courts for the amicable resolution of disputes, under the supervision of a prosecutor. When that type of court was unable to reach a solution, the case was brought before an ordinary court.

106. It was pointed out that the role of women in promoting peace had not been sufficiently taken into account. In that connection, it was noted that the Commission on Human Rights, in several resolutions, and the Secretary-General of the United Nations, on the occasion of International Women's Day (8 March 2000) in New York, had emphasized that role. Another example was the Truth and Reconciliation Commission in South Africa, whose experience had pointed up the essential role played by women in conflict resolution. Women in fact played an essential role in the socialization of individuals, and hence in the preservation of social harmony. Consequently, the woman's perspective should be taken into account and equitable representation of women ensured in all human rights commissions, mediation bodies and other conflict prevention mechanisms.

107. It was emphasized that when they encouraged tolerance, religious chiefs had an important role to play in preventing ethnic conflicts, because of their influence over people. However, a number of speakers recommended caution with regard to the role of traditional chiefs and religious leaders. Religious chiefs had in many cases taken extremist positions and acted as catalysts in numerous conflicts; traditional chiefs tended to endorse customs that ran counter to human rights.

F. Effectiveness of international norms and mechanisms, and approaches to the prevention of ethnic and racial conflicts

108. At the fourth meeting on 5 October, Mr. François Lonsény Fall introduced document HR/ADDIS/SEM.4/BP.9. In that paper he had noted, on the basis of an analysis of many of the causes of internal conflicts, that the adoption and effective implementation of the various international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, were the best ways to prevent conflicts. Clearly, a State's internal harmony and tranquillity were disturbed whenever politicians set aside basic principles and pursued a policy of exclusion, segregation, repression, restrictions or preference on grounds of race, religion, colour, or national or ethnic descent or origin - in short, a policy based on denial of the universal values recognized as fundamental human rights.

109. He stressed that Africa's recent history demonstrated that ethnic and racial conflicts were in most cases generated by failure to observe the international norms to which all African States had subscribed but which many States were unfortunately slow to put into practice in the conduct of public affairs. The most pressing need was thus to ensure that the content of basic national legislation was implemented effectively and, if necessary, to impose penalties for breaches of its provisions.

110. He focused his introduction on the International Convention on the Elimination of All Forms of Racial Discrimination, pointing out that, as far as inter-ethnic conflicts were concerned, the Committee on the Elimination of Racial Discrimination believed it was political or economic interest groups that tended to politicize ethnicity, in breach of treaty-based rules, and thereby created and fuelled ethnic discord. He went on to discuss the Convention's main provisions and the methods employed by the Committee.

111. The Convention set forth all the economic, social, legislative and educational measures that States parties were required to take in order to eliminate racial discrimination. It placed particular emphasis on the condemnation of racial segregation and apartheid, the condemnation of all propaganda and organizations advocating the superiority of a particular race, and the eradication of all incitement to racial discrimination. It also guaranteed the right to equal treatment before the courts, the exercise of civil and political rights without any discrimination whatsoever, and the implementation of economic, social and cultural rights. The effective implementation of the provisions of the Convention was the most appropriate way to guarantee social harmony and promote greater unity between different sectors of the population.

112. Mr. Fall then addressed the question of how the provisions of the Convention could be implemented effectively. In order to facilitate and monitor the implementation by States of the provisions of the Convention, the Committee relied on the periodic reports that States parties had to submit to it. Those reports should cover legislative, judicial, administrative or other measures taken to give effect to the provisions of the Convention. However, he noted with regret that few African States fulfilled their obligations under the Convention. Some of them had fallen far behind schedule in the submission of their reports. In its concluding observations following consideration of individual reports, the Committee recommended to States that they should publish its observations and the contents of the report submitted.

113. He further explained that, under article 14 of the Convention, when the State concerned had made the declaration recognizing the competence of the Committee, the latter could consider complaints from individuals or groups of individuals who had suffered from racial discrimination. However, to date, only three African States had made the declaration provided for in that article.

114. He also discussed other human rights mechanisms that could play a preventive role, such as the special rapporteurs whose task was to monitor and report on specific matters. One of those was the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who reported to the Commission on Human Rights on certain situations deemed to be a source of concern and a threat to national harmony in certain countries.

115. In addition, the Committee had for several years included in the agenda for its sessions an item on the prevention of racial discrimination, including early warning measures and emergency procedures. In fact, the Committee could decide to take early warning measures in order to prevent existing problems from degenerating into conflicts. That possibility meant it could take immediate steps to prevent serious violations of the Convention.

116. Mr. Fall ended his introduction by recommending, among other things, that African States parties to the Convention should submit their periodic reports regularly to the Committee. He urged African Governments to raise public awareness of the provisions of the Convention, as people were often unaware of the extent to which discrimination on grounds of ethnic origin was covered by criminal law and of the penalties for it.

117. He added that the adoption of legal, legislative and administrative measures to counter racial or ethnic prejudice and promote national harmony was vital to peace and security within States.

118. The discussion following Mr. Fall's address covered the difficulties encountered by African States in submitting their periodic reports to the Committee in accordance with the requirements of the Convention, failure to comply with article 14, cooperation between the Committee and the special mechanisms, the domestic implementation of the provisions of article 4 of the Convention (prohibiting, inter alia, organizations from inciting racial hatred), and the attention paid by the Committee to the dual discrimination affecting women.

119. With regard to the late submission of reports by African States to the Committee, it was said that the difficulties arose from a lack of resources and that those States should be given assistance in human rights matters in order to enable them to fulfil their obligations. It was pointed out that it was not simply a matter of submitting reports on time, but also of properly reflecting the situation in the country concerned. Civil society should therefore be involved in drafting them. It was stressed that non-governmental organizations provided the Committee with invaluable help, supplying it with information which often contradicted that contained in States parties' periodic reports. Some States parties had taken to involving those organizations in the drafting of their report, and the Committee took that into account when formulating its concluding observations.

120. Taking account of the reports of the special rapporteurs was seen as a useful step that enabled the Committee to learn more about the situation in the countries under consideration and to receive first-hand information that might counterbalance the information provided by the State. In addition to such cooperation between human rights mechanisms, some thought it would be a good idea to make the reports of the special rapporteurs available to the Security Council, but there were objections to that on the grounds that the Security Council's remit covered peacekeeping, not human rights. It was pointed out that there was a link between peacekeeping and the protection of human rights.

121. On the question of the declaration recognizing the Committee's competence to consider communications from individuals claiming to be victims of racial discrimination (art. 14), it was pointed out that the African countries were not the only ones not to have made the declaration: the same was true of the majority of States parties to the Convention. It was nevertheless recalled that, given the role played by the African States in drafting the article, they should subscribe to it in order to give it greater force. It was suggested that, on the eve of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Convention should be reopened for accession and that the States concerned should make the declaration provided for in article 14.

122. With regard to the prohibition of racist organizations, it was observed that many States that were parties to the Convention ignored the provisions of article 4, thereby enabling such organizations to expand their activities on every continent. Similarly, the proliferation of Web sites propagating racism was noted; the Committee had expressed its concern and called on the States concerned to take appropriate measures.

123. With regard to the question of dual discrimination, attention was drawn to the Committee's very important recommendation that States should be obliged to include in their periodic reports information on the measures they had adopted to eliminate complex forms of discrimination against women.

G. Human rights and the OAU mechanism for conflict prevention

124. At the fourth meeting, after Mr. Fall had spoken, Mr. Sam Ibok introduced the document entitled "Human rights and the OAU mechanism for conflict prevention" (HR/ADDIS/SEM.4/2000/BP.11), which he had prepared for the Seminar. He also discussed the effectiveness of African regional and subregional mechanisms in the prevention of ethnic and racial conflicts.

125. He explained the thinking behind the prevention and resolution of conflicts within and between African States and described the means used for that purpose.

126. Since its creation on 25 May 1963, OAU had made various attempts over the years to settle disputes that had erupted between member States, through both formal and ad hoc mechanisms, special mediation committees or commissions, and through the good offices of

African Heads of State and Government. The underlying concern had been that peace, stability and security were central to the social and economic development of the African continent. More recently, respect for human rights, good governance and the rule of law had been added to that lexicon of prerequisite conditions.

127. The OAU Mechanism for Conflict Prevention, Management and Resolution had been established further to a decision taken on 30 June 1993 by African Heads of State and Government in Cairo, determined to work for a speedy and peaceful resolution of all conflicts in Africa. The mechanism made a normative breakthrough in post-independence Africa and in the history of OAU by providing a more robust framework for responding to conflicts within as well as between African States. The adoption of the Mechanism must be seen in the context of the experience of the devastating conflicts which had characterized the first three decades of the Organization's existence.

128. The Cairo Declaration had been adopted to give practical effect to an earlier declaration adopted by the twenty-sixth ordinary session of the OAU Assembly of Heads of State and Government, in Addis Ababa, in July 1990: the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes taking Place in the World. In adopting that landmark declaration, the Heads of State and Government had underscored the need for a radical shift in their approach to the problems of conflicts in Africa and had reiterated their commitment to identify ways and means of resolving conflicts in Africa. According to the Cairo Declaration, the Mechanism had as its primary objective the anticipation and prevention of situations of potential conflict from developing into full-blown conflicts. The Mechanism thus made another break from the past, by placing emphasis on preventive measures rather than merely focusing on the remedial approaches of conflict management. The principal objectives of the Mechanism were thus twofold.

(a) The anticipation and prevention of conflicts. In circumstances where conflicts had occurred, it would be its responsibility to undertake peacemaking and peace-building functions in order to facilitate the resolution of those conflicts. In that respect, civilian and military missions of observation and monitoring of limited scope and duration might be mounted and deployed;

(b) In the event that conflicts degenerated to the extent of requiring collective intervention and policing, the assistance or, where appropriate, services of the United Nations would be sought under the general terms of its Charter.

129. Mr. Ibok stressed that OAU, in its approach to conflicts, had adopted a number of key indicators to determine the lack of democracy and the level of human rights violations, which enabled it to evaluate the warning signs before a conflict. Those indicators were:

(a) The systematic and widespread violation of human rights;

(b) The lack of democratic governance structures;

(c) Abuse of the rule of law;

(d) The imposition of a security apparatus operating in an arbitrary manner and abusing the fundamental freedoms of citizens with complete impunity;

(e) The emergence of dictatorial, authoritarian or military rule under which the constitution and democratic institutions were suspended or manipulated;

(f) The outbreak of organized political violence;

(g) Harassment of the media;

(h) Politicization of the judiciary;

(i) Emasculation of parliament;

(j) Repression of the civilian population by military force;

(k) Persecution of political opposition;

(l) Cultural or religious oppression;

(m) Discrimination against minorities and other disadvantaged groups;

(n) Ethnic genocide or repression of specific groups singled out by the authorities or by the political elite;

(o) Extrajudicial killings;

(p) Vote-rigging and manipulating the results of elections.

130. The importance attached to democracy and human rights in conflict resolution constituted a break with African States' past practice of doing nothing when confronted with human rights violations in another State, in accordance with the non-intervention clause of the OAU Charter. That change was the result of both the adoption in 1981 of the African Charter on Human and Peoples' Rights and several political initiatives, including the declarations of 1990 and 1993 and, in particular, the Grand Bay Declaration and Plan of Action adopted in Mauritius in 1999. Change was continuing through the Conference on Security, Stability, Development and Cooperation in Africa.

131. Mr. Ibok nevertheless emphasized that political problems and a lack of human and material resources had prevented OAU from being as effective as it would have liked. Even when the secretariat had the consent of the States concerned to supervise elections or investigate human rights violations, it lacked the means to carry out the task. The same applied to the work of the African Commission on Human and Peoples' Rights. Moreover, some African States were not parties to the main human rights instruments, while those that had ratified them ignored them in practice; their populations knew nothing about them and the States did not fulfil their international obligations.

132. Although there was an urgent need to solve human rights problems in Africa, the international community should not separate that issue from other priorities, including development. An effective and robust human rights campaign in Africa must be complemented with components of security and economic concerns, which must be viewed as essential parts of the political and economic character of a country.

133. In his closing argument on OAU preventive action and the issue of human rights, Mr. Ibok said that the Organization must continue to deploy efforts to achieve further democratization and must work to support the promotion of good governance in Africa, as that constituted a major ingredient in regional efforts to promote and protect human and peoples' rights on the continent. The great challenge for OAU and indeed the United Nations was to support programmes aimed at strengthening and sustaining efforts to promote and protect human rights at the national, subregional and regional levels as part of the peace-building process in Africa. The importance of inculcating a culture of peace and tolerance was widely recognized within OAU member States. In order to facilitate the process of building a culture of peace and promoting unity among OAU member States, as well as ensuring the right to development, it would be necessary to promote popular participation in the process of government and development.

134. With regard to the effectiveness of African regional and subregional mechanisms in the prevention of ethnic and racial conflicts, Mr. Ibok noted that those organizations were the first to be called on when solutions to a given conflict were being sought. For one thing, the proximity of those organizations to theatres of conflict gave them incisive knowledge concerning the genesis of those conflicts and the key players involved. Such proximity and knowledge were always critical in trying to forge a consensus for the resolution of a given conflict. Factors of shared culture, geography and history played a critical function in conflict resolution in any given region.

135. However, Mr. Ibok pointed out, there were instances when proximity generated tension and undermined the spirit of impartiality between neighbours, sometimes to the extent that they became part of the problem. A regional approach was most effective when the participation of countries sharing borders with the countries in conflict was managed properly or preferably when those neighbouring countries were excluded from certain conflict management initiatives. On the other hand, combing the principle of proximity with the principle of distant impartiality served to address that issue to a considerable extent. It was critical because at times keeping neighbours entirely out of each other's problems carried the risk of fomenting suspicion and resentment which often complicated conflict management initiatives. In that context, between the United Nations and the subregional organizations, OAU could serve as a regional entity for conflict management. The biggest advantage of that midway position was that OAU was neither too far from, nor too near, the theatre of conflict. Through its direct involvement, OAU was also in a position to coordinate all the activities relating to conflict management performed by various subregional entities such as the Economic Community of West African States (ECOWAS) and the Southern Africa Development Community (SADC).

136. The OAU representative concluded his address with the following recommendations:

(a) Institutional and inter-agency coordination should be strengthened through:

Revival of regular consultations between the United Nations, regional organizations like OAU and subregional organizations;

Exchange of personnel between OAU, the United Nations and the subregional organizations;

Regular institutionalized consultations to promote greater awareness of organizational mandates and the comparative advantages of various organizations/agencies in different conflict prevention and human rights functions;

Clearer "rules of the road", identifying lead players and establishing a unified economic, political and social approach to conflict prevention;

(b) Elder statesmen and eminent personalities should be increasingly solicited to foster regional action and enhance initiatives aimed at combating ethnic and racial discrimination and xenophobia. Almost all African countries were multi-ethnic, multi-religious and multicultural. That diversity should be a source of strength rather than a vehicle for the disintegration of African States;

(c) Normative/legal frameworks which created triggers for and prompted regional and international organizations taking action when there was a crisis that threatened democracy and human rights should be established and strengthened;

(d) There was a need for common key tracking indicators that provided a clear warning of human rights violations, loss of free speech and freedom of the press, xenophobia, impunity, exclusion and other threats of impending violence;

(e) Systematic analysis of lessons learned from failures and successes in dealing with those problems should be undertaken;

(f) There was a need to strengthen and widen the scope of deterrent normative frameworks for those who violated human rights, including the operationalization of the International Criminal Court;

(g) Regional efforts that promoted human security as opposed to military security should be better supported;

(h) There was a need to strengthen international, regional and local prohibitions against violence directed at women and children and to initiate efforts that would re-legitimize safe havens where violence was prohibited;

(i) Given the role of multinational companies and extra-continental interests in the exploitation of minerals that fuelled conflicts in Africa, there was a need to intensify dialogue on the possibility of elaborating codes of conduct;

(j) Finally, there was a need to be more proactive in support of human rights and defenders of approaches that promoted the peaceful resolution of disputes.

137. In the discussion following Mr. Ibok's address, several participants stressed that the pioneering work carried out by OAU on the basis of a conflict-resolution doctrine and mechanism was a cause for optimism about African States' ability to overcome their differences. The African example should help other regions of the world to develop pragmatic conflict-resolution and human rights policies.

138. It was stated that cooperation between regional and international mechanisms should be better organized. When regional institutions did not have the resources needed to deal with crises, the international community, with the greater means at its disposal, should take prompt action through the United Nations or provide financial or logistical support to regional bodies so as to avoid situations like the one that had led to the genocide in Rwanda in 1994. Hence, OAU efforts to set up a crisis-response force should be supported. The French (RECAMP) and American (RECOM) initiatives to train African peacekeeping troops should be acted upon in close cooperation with OAU and the United Nations so as to avoid dividing up the continent along linguistic lines or to suit foreign interests.

139. Several participants considered that African States in general were reluctant to accept the concept of prevention. In their desire to be seen as stable countries, they often ignored the warning signs of conflicts and turned down OAU offers of mediation. OAU, which had no authority to force the States concerned to take a non-conflictual approach, could often only look on helplessly as the situation deteriorated. African rulers must learn how to resolve conflicts through dialogue and political negotiation rather than by resorting to arms. It was also emphasized that one of the most effective ways to prevent conflicts was to strengthen democracy. From that viewpoint, supervising elections to ensure they were held in a fair and transparent manner was one of the priority areas for action by OAU, in cooperation with other partners. OAU was improving its logistical resources and increasing its human resources so that it could offer greater support for the democratic processes under way in Africa and thereby guarantee peace. A mechanism for providing electoral assistance to States requesting it was being set up in Dar-es-Salaam (United Republic of Tanzania).

140. It was recalled that, before the OAU conflict prevention mechanism and doctrine had been developed, other efforts had been made to encourage national reconciliation or combat racial discrimination. Following the creation of OAU, the Coordinating Committee for the Liberation of Africa, under the chairmanship of President Julius K. Nyerere, had been set up in Dar-es-Salaam, and had supported liberation movements in their struggles and helped dismantle apartheid. In 1991, a conference called the "African Leadership Forum" had been held in Kampala, under the auspices of OAU and with the support of the Economic Commission for Africa (ECA), to resolve African conflicts and support internal democratization processes. In 1992, the President of Senegal had organized, in parallel with the OAU summit, a meeting between the parties in power and the opposition parties from several African countries. The

latter initiative had opened up an area for dialogue in which the various national parties had been enriched by each other's experiences and been able to share joint projects for their societies.

141. Several speakers expressed the view that civil society had an important role to play in conflict prevention, alongside national and regional bodies. That was why, in order to support its action in that area, OAU, the International Peace Academy and ECA were trying, through consultation meetings with the leading protagonists from civil society, to better define its role, particularly with regard to the promotion of social dialogue, mediation and the collection of data on the state of relations in society.

142. It was emphasized that in order to prevent conflicts in Africa, it was necessary to speak out against the trade in arms, including anti-personnel mines, which fuelled the conflicts, and against the financial aid supplied to the warring parties to maintain and prolong those conflicts. The United Nations Security Council should take draconian measures to stop the arms trade and the financial transactions it involved. It was actually easy to identify the countries involved in that trade and whose weapons factories helped to flood Africa with weapons of war. It was pointed out that the issue was already before the Security Council, which had set up a committee to investigate arms-trafficking in Africa.

143. One speaker pointed out that, with a view to prevention, the African States in the Indian Ocean, including Madagascar, had long ago proposed that the Indian Ocean should be declared a zone of peace.

H. The role of the United Nations in conflict prevention (Security Council, Office of the High Commissioner for Human Rights)

144. At the fifth meeting on 6 October 2000, Mr. Alioune Sène introduced his paper, which had been issued as document HR/ADDIS/SEM.4/BP.12. He showed in a brief review that the fight against racism, racial discrimination and xenophobia was one of the priorities in the work of United Nations bodies (General Assembly, Security Council, Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, and relevant committees), which cooperated for that purpose with specialized agencies such as UNESCO and ILO and with many intergovernmental and non-governmental organizations. Their work was currently aimed at preventing conflicts, many of which had their origins in the discriminatory practices of States.

145. It was observed that in the 1990s, notwithstanding the Convention on the Prevention and Punishment of the Crime of Genocide, tragic events involving massive human rights violations classed as genocide had taken place in Rwanda and the former Yugoslavia, together with war crimes and crimes against humanity. Drawing the lessons of those tragedies in order to prevent them from being repeated, the Security Council had decided to set up the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and, more recently, the special international court for Sierra Leone, in order to punish war crimes and crimes against humanity. Similarly, the adoption in Rome of the Statute of the International Criminal Court by the Diplomatic Conference of Plenipotentiaries reflected the international community's desire to put an end to impunity.

146. Going beyond the preventive nature of the punishment by international criminal courts of massive violations of human rights, crimes against humanity and war crimes, Mr. Sène explored other approaches and methods that could be tried in situations of potential conflict, including preventive diplomacy, the strengthening of democratic institutions, the implementation of human rights norms and principles, and support for continent-wide and regional initiatives.

147. He explained that preventive diplomacy was linked to the prompt dispatch of diplomats, facilitators and peace envoys to hear the parties to a conflict, create the conditions for negotiations, establish trust and make recommendations to decision-makers for concrete solutions that would be acceptable to the protagonists. It might be accompanied by the preventive deployment of troops. He cited two examples of effective intervention by the United Nations, one in the Former Yugoslav Republic of Macedonia and the other in the Central African Republic. In the Former Yugoslav Republic of Macedonia, the preventive deployment of peacekeeping troops had provided reassurance and transparency in the country, which had thus been spared the ethnic wars that had shaken the rest of the former Yugoslavia. Despite a difficult subregional context, the people had been able, with the help of the international community, to consolidate peace and democracy in their country. The Serbs and the other minorities, including the Albanians, had set up institutions enabling them to live together under the rule of law and in peace and security. In the Central African Republic, the preventive deployment of troops had led to the setting-up of the United Nations mission in the Central African Republic and had enabled peace to be restored.

148. With regard to the strengthening of democratic institutions, Mr. Sène believed that there was a need to devise truly preventive decision-making machinery in order to produce appropriate institutional, political, economic, social, cultural and environmental responses to specific cases, while taking into account ethnic, racial, linguistic, religious and regional identities. More precisely, it was a question of strengthening the capacity of the mechanisms for protecting human rights and international humanitarian law so that ethnic and racial crises could be defused before they intensified or degenerated into violent conflicts. Careful thought, information, intellectual discussion and public debate were necessary if international opinion was to be mobilized and the collective conscience guided towards legal, constitutional and social progress in the struggle against racism, ethnic and racial discrimination, xenophobia and related intolerance. That was the course to take in order to enhance States' political stability and national cohesion thanks to the universal values of human rights, the promotion of dialogue, and respect for citizens' needs and aspirations.

149. The prevention of ethnic and racial conflicts thus entailed strengthening democratic institutions, teaching human rights, involving representatives of all parts of society and taking concrete action in support of minority or marginalized groups. From that viewpoint, the Office of the High Commissioner for Human Rights, in cooperation with the specialized agencies, the multilateral financial institutions, international, regional and national partners, and civil society, had an important role to play. African and regional initiatives should be supported. The speaker also described the reforms being undertaken in Africa to raise the profile of human rights in relations between African States.

150. One of the main objectives of the Constitutive Act of the African Union, adopted unanimously by the participants in the thirty-sixth OAU summit in Lomé on 12 July 2000, was to speed up the continent's political and socio-economic integration by promoting international cooperation. It was aimed at promoting and protecting democratic institutions and human rights in accordance with the relevant instruments. The most significant advance was to be found in article 4, which stipulated that the Union had the right, subject to a decision by the Conference, to intervene in a member State in certain serious circumstances, namely, in cases of war crimes, genocide and crimes against humanity. The Act also required respect for the principle of gender equality and for democratic principles, human rights, the rule of law and good governance. It also advocated an end to impunity, political assassinations, terrorist acts, subversive activities and unconstitutional changes of government and provided for the imposition of sanctions on any member State that failed to comply with the Union's decisions or policies.

151. At the subregional level, while endeavouring to achieve economic integration, African States wished to work towards better protection of human rights and the maintenance of peace through subregional organizations like the Economic Community of West African States, the Economic Community of Central African States, the Southern African Development Community, the Intergovernmental Authority on Development, the Arab Maghreb Union and the Community of Sahelo–Saharan States. All those institutions, which were also catalysts and examples of the culture of peace, prevention of ethnic conflicts and promotion of human rights and good governance, should receive assistance from the international bodies.

152. Mr. Sène proposed, inter alia, that the Office of the High Commissioner for Human Rights, in cooperation with the African Commission on Human and Peoples' Rights, should:

(a) Support the establishment of democratic institutions at the local, national and subregional levels;

(b) Monitor the observation, collection and analysis of legal, institutional, political, economic, social and cultural information by drawing on the skills of treaty bodies and national institutions for regulation and mediation;

(c) Establish closer cooperation with monitoring, study and research centres regarding the defence of human rights, conflict prevention, democratic transition, and the holding of fair and transparent elections;

(d) Assist in promoting and protecting human rights in the judiciary, the armed forces, the police, and education and training services, in partnership with the institutions and organs of the United Nations system, the Bretton Woods institutions, the European Union, regional banks, non-governmental organizations and civil society;

(e) Hold consultations with subregional organizations in order to implement strategies to prevent ethnic and racial conflicts;

(f) Support OAU in its efforts to establish an African Court on Human and Peoples' Rights.

153. In the case of States affected by ethnic or racial tension, the Office of the High Commissioner for Human Rights should, together with UNDP and international actors, help to contain conflicts by building trust in the crisis areas or between communities on the verge of confrontation. The United Nations should attack the root causes of the conflicts by practising discreet preventive diplomacy and engaging eminent men and women to contribute to mediation, negotiation and conciliation in order to prevent tensions from rising. Such an approach required appropriate mechanisms for analysing the situation in each country in order to identify the overall political framework for the peaceful settlement of disputes through national reconciliation of the warring factions.

154. Countries emerging from a crisis should also be helped to institute good governance, with a democratic system tailored to their socio-cultural context, and to promote the rule of law and tolerance of minority and opposition groups. There was also a need to ensure transparency in political processes, power-sharing, an independent judiciary, an impartial police force, civilian control over the armed forces, freedom of the press and of opinion, free and fair elections, the involvement of civil society in national affairs, and respect for human rights.

155. Mr. Sène also recommended that the United Nations should do its utmost with the means at its disposal to prevent recurrences of the genocide and massive violations of human rights and humanitarian law that had so bloodied certain parts of the world, including Africa, and that were such an affront to the universal values of human dignity. To that end, the international community must undertake to intervene politically and, if necessary, militarily in order to prevent serious and flagrant violations of human rights. In that connection, he stressed that, pursuant to Article 1 of the Charter of the United Nations, it was the Security Council that was responsible for collective security at the international level and for responding to crises and emergencies. Also, in no circumstances should there be rivalry on the matter between the United Nations and regional organizations.

156. Despite the still open wounds left by ethnic conflicts and violence, Africa must begin to believe in itself and to rely first and foremost on its own resources in mapping out its future. Africans must engage in dialogue and negotiation with a view to creating a huge political arena and zone of peace, shaping a common will to live together and sharing the values of a new democratic society. The daily aspirations of Africa's peoples must not be callously ignored but realized by acting upon the historic vision of an "African renaissance" and building pluralistic, multicultural, multi-ethnic and multiracial societies imbued with the ideals of regional integration and the culture of peace.

157. During the discussion it was suggested that, in order to sensitize member States to ethnic and racial conflicts, the United Nations should declare an international day on the prevention of such conflicts. For the occasion, the United Nations High Commissioner for Human Rights could make a solemn declaration on the need to maintain social harmony. The declaration would be mainly addressed to political leaders and to ethnic and racial groups. On the day itself, States could hold cultural and sporting events to reinforce social harmony (for example, exchange of a "flame of friendship", or a play or film about fraternity).

158. Some speakers were concerned that the peacekeeping troops sent to Africa were from countries that were themselves at war or where racism and racial discrimination existed. The behaviour of those troops towards the populations they were supposed to be protecting tended to reflect stereotypes and discriminatory practices found in their home countries. It was recommended that consideration should be given to the possibility of training African troops to avoid such behaviour.

159. The failure of United Nations peacekeeping operations in the Palestinian territory, Rwanda, Srebrenica (Bosnia and Herzegovina) and elsewhere was highlighted. Several participants were of the view that failure in those places was due to the fact that the Security Council did not work in a democratic way and, with its current method of operation, did not reflect the interests of the international community. The question was raised as to whether the Council might not be accused of active or passive complicity in recent cases of genocide. If the Council wished to bring about security around the world and prevent conflicts, it must show itself to be fair and bold by taking initiatives and avoiding double standards in its handling of crises. It should make sure it had the political independence that would put it above suspicion. It was therefore suggested that it should be reformed so that all geographic regions were better represented on it on an equitable basis.

160. Several participants stressed that the establishment of the International Criminal Court would be a major step forward in the protection of human rights. States Members of the United Nations were invited to ratify the Rome Statute of the International Criminal Court.

161. Participants observed that the borders of practically all African States were the result of a colonial carve-up and that the roots of many conflicts could be traced back to that carve-up; they raised the question whether the clause in the OAU Charter guaranteeing the inviolability of borders needed to be amended.

III. CLOSURE OF THE SEMINAR

162. At the sixth meeting, the Chairperson-Rapporteur introduced a number of preliminary recommendations based on the discussions and contributions from participants. He was instructed to include amendments to the recommendations in the final text. The Seminar's recommendations, as approved by the Chairperson-Rapporteur, are reproduced in annex I.

163. Mr. K.Y. Amoako, Executive Secretary of ECA, delivered a closing address in which he pointed out that, according to studies carried out by the organization he headed, the conflicts in Africa were the result of socio-economic factors rather than the continent's ethnic and religious diversity as such. Poverty, poor governance, the weakness of civil society and the lack of democracy, combined with human rights violations, lay at the root of such conflicts. ECA therefore believed that conflict prevention was linked to the urgent need to reduce poverty and to press ahead with development. The problems to be solved in Africa involved not just a question of growth but structural transformation that would ensure a better distribution of wealth and eliminate inequalities between African States. There was also a need to ensure good governance and encourage economic integration within Africa.

164. Mr. Jyoti Singh, Executive Coordinator of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, made a closing address on behalf of the High Commissioner for Human Rights. He thanked ECA for its cooperation in organizing the seminar, which he hoped would be another milestone in the continuing inter-agency cooperation aimed at improving the promotion and protection of human rights in Africa. The World Conference would enable the connection to be made between racism and racial discrimination, on the one hand, and poverty and underdevelopment, on the other, and would serve to lay the foundations for equality for all.

ANNEXES

Annex I

CONCLUSIONS AND RECOMMENDATIONS

I. CONCLUSIONS

1. The Seminar recognized that historical factors such as the slave trade, the administrative policies and actions of colonialism, the arbitrary delimitation of frontiers, and unbridled economic exploitation continued to have negative effects on the economic and social development of Africa and fuelled ethnic and racial conflicts.

2. The Seminar noted that the post-independence history of the African continent, and especially the period following the end of the cold war, had been marked by an increase in internal conflicts within States, which had had devastating effects on their populations and economic resources. Such conflicts originated from, inter alia, systematic and widespread violations of fundamental rights, the absence of democracy, the politicization of race and ethnicity, discrimination against certain members of society, and interference by foreign interests linked to the exploitation of mineral resources and the arms trade. The Seminar further noted that differences between African communities had often been exacerbated and exploited for the political and economic benefit of non-African interests. It also noted that the transatlantic slave trade, a crime against humanity, had brutalized those Africans who had been removed from their land, had serious repercussions on the lives of their descendants, and hampered the history and development of the land from which they had been forcibly removed.

3. The Seminar agreed that there was a clear link between the violations of human rights, including economic, social and cultural rights, and the outbreak of ethnic conflicts in Africa. It therefore encouraged full participation in political life for all, non-discriminatory treatment of all regions and ethnic groups within a country, respect for the rights of minorities, and also accountability, transparency and the recognition of the primacy of the law as essential elements of any conflict-prevention strategy.

4. The Seminar recognized that the stability and sustainable social and economic development of African countries in the new millennium would be enhanced and strengthened, by among other things, democracy, adherence to the rule of law, a culture of peace and respect, for fundamental rights, and the prevention, management and peaceful settlement of ethno-cultural and political conflicts. It also noted that there was a correlation between racism and the practices and policies of States, which created a minority with social and economic privileges, a fact which exacerbated racial and ethnic conflicts in society and among nations.

5. The Seminar stressed that ethnic diversity should be viewed as an enrichment of society and not as a means of fostering divisions between equal members of a society.

6. The Seminar reaffirmed the principle of the indivisible, interdependent and interrelated nature of all human rights and fundamental freedoms, as stated in the Vienna Declaration and Programme of Action, and that the right to development was an inalienable right forming an

integral part of fundamental rights. It also emphasized that States had the obligation to promote and protect fundamental rights in a fair and equal manner, placing on the same footing and attaching the same importance to each of them.

7. The Seminar further recognized:

(a) That the realization of economic, social and cultural rights and the right to development was of crucial importance to the prevention of ethnic or racial conflicts in Africa or any other region;

(b) That despite its valiant efforts and good progress towards sustainable development, Africa continued to encounter obstacles and difficulties which inhibited the achievement of greater well-being and prosperity for its people and further accentuated tensions and conflicts; and

(c) That the macroeconomic policies associated with structural adjustment imposed on African countries in the 1980s and 1990s, the marginalization of African nations by the process of economic globalization and the onerous burden of debt on African countries were major causes of the worsening economic and social situation on the continent, accentuating ethnic and racial conflicts.

8. The Seminar considered that African States should put an end to internal ethnic and racial confrontations and armed conflicts between themselves by concluding non-aggression agreements aimed at strengthening collective security and promoting subregional and regional integration, in accordance with the spirit of the Abuja Treaty that had established the African Economic Community.

9. The Seminar stressed that the democratization processes currently under way in Africa had the objective of ensuring that African peoples lived in societies which ensured the full enjoyment of fundamental rights and freedoms by all, irrespective of their religion, ethnic origin, political opinions or sex, and guaranteed them equal protection under the law. The OAU Mechanism for Conflict Prevention, Management and Resolution, in its quest to prevent violent conflicts, was supporting the attainment of that objective.

10. The Seminar further noted that, although the mechanism and process put in place to monitor and report on indicators of potential conflict, especially human rights violations, were still in the early stages of development, it was already evident that they would play a major role both in the prevention of conflicts and in the reduction of violations of human rights.

11. The Seminar also affirmed that the provisions of the OAU Charter, the African Charter of Human and Peoples' Rights, the international human rights treaties and the principles of good governance, transparency and respect for fundamental rights were essential elements in building representative and stable Governments and contributing to conflict prevention. It was convinced that the active promotion of peace, peacemaking skills and conflict-resolution skills were essential prerequisites for conflict prevention and progress. Preventive diplomacy, which took account of the contributions to be expected of Africans and the international community, was vital and must incorporate such elements as democracy and human rights.

12. The Seminar stressed that women played an important role in preventing and resolving conflicts and in efforts to bring about lasting peace, but they had so far not been accorded their appropriate place in those efforts, either nationally or internationally. The gender dimension of conflict prevention and peace processes should be more adequately addressed.

13. The Seminar fully agreed that the basic principles of any democracy were pluralism and non-discrimination in all spheres of life (religion, politics, race, ethnicity). The Seminar stressed in that regard that the regional and international human rights instruments contained specific provisions for the protection of minorities, and also embodied the essential principle that any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence should be prohibited by law.

14. The Seminar noted that, since one of the prime causes of African political crises with an ethnic or racial component was militarism, priority must be assigned to negotiating arms limitation. In limiting arms purchases and imposing such embargoes as might be necessary, States should adopt the principle that they must not only refrain from conducting official transactions involving arms, but must also strive to prevent national arms dealers from violating those bans.

15. The Seminar recognized that, in order to ensure the effectiveness of conflict prevention and peace processes, the principles of gender equity and equality must permeate all efforts at all levels, which necessitated recognition of women as agents of change. Consequently, the participation of women as equal partners and beneficiaries in conflict prevention, peace-keeping, peace-restoration, conflict resolution, and post-conflict reconciliation and reconstruction should be increased. Special efforts should be made to integrate the gender perspective and to ensure women's equal participation at all levels of decision-making in the various national human rights commissions, social-dialogue bodies, and other mechanisms of conflict prevention and peace-building. When evaluating traditional social-dialogue bodies and other mechanisms, a gender perspective must be applied in order to ensure a non-discriminatory approach which took into account women's particular experiences and needs.

16. The Seminar took note of the fact that ethnic and racial conflicts generated large movements of people seeking refuge or a better life in other countries, where many of them lived in insecure conditions, often in highly polluted and degraded areas. A large number of migrants or displaced persons were forced to settle in border regions, in situations of acute vulnerability and exposed to xenophobia.

17. The Seminar noted with concern that, as a consequence of ethnic and racial conflicts in Africa, forced migration within and from Africa had often resulted in the disintegration of the family and in situations of discrimination in receiving countries and had also created particular risks for women and children. Furthermore, Governments were increasingly confronted with the phenomenon of illegal migration and its many subsidiary and often degrading forms, such as the trafficking in and smuggling of migrants and the misuse of asylum procedures.

II. RECOMMENDATIONS

A. Democracy, human rights and development

18. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should encourage States:

(a) To institute democratic systems of government that guarantee full access to, and representation of, all sectors of the societies concerned;

(b) To take the necessary measures to ensure the equitable distribution of wealth and access to economic advancement and full enjoyment of the right to development for all groups of society;

(c) To establish new structures or review traditional systems of conflict resolution and mediation.

19. Noting that impunity for the violation of human rights and international humanitarian law is a serious obstacle to political stability and sustainable development, the Seminar urged States in the region to ratify the statutes establishing the African Court of Human and Peoples' Rights and the International Criminal Court.

20. The Seminar urged all States that had not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and to make the declaration under article 14 of that Convention prior to the World Conference, to be held in South Africa from 31 August to 7 September 2001. It also encouraged States to ratify the other major international human rights instruments such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

21. The Seminar noted that the use of reservations to human rights instruments constituted a serious obstacle to the genuine implementation of human rights norms and principles. It therefore urged all States, in conformity with the Vienna Declaration and Programme of Action, to urgently withdraw such reservations, in particular those to articles 4 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination.

22. The Seminar requested all African States parties to the International Convention on the Elimination of All Forms of Racial Discrimination:

(a) To carry out a comprehensive review of their legislation intended to combat all forms of discrimination;

(b) To rescind, amend, repeal or nullify any policies or regulations that have the effect of creating or perpetuating discrimination or prejudice based on membership of an ethnic or racial group or community;

(c) To characterize as an offence punishable by law any dissemination of ideas based on racial superiority or hatred, and prohibit organizations that are based on ethnic or racial criteria and propagate discriminatory ideas;

(d) To set up national monitoring and evaluation mechanisms to ensure that legislation is effectively implemented and to promote national harmony, equality of opportunity and good inter-ethnic or interracial relations;

(e) To submit reports due under the Convention regularly and, if necessary, to indicate difficulties encountered in implementing the Convention, with a view to obtaining appropriate legal or technical assistance in addressing problems and finding solutions through the programme of advisory services in the field of human rights.

23. In order to promote a better understanding of the notion of "racial discriminations", the World Conference against Racism should encourage all States and international, regional and civil-society organizations to pay particular attention to the definition of racial discrimination contained in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination. It defines "racial discrimination" as "any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

24. The Seminar also called upon African Governments to support the formulation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights which would allow individual complaints of violations of the rights enshrined in that Covenant.

25. The Seminar noted that the implementation of the principal international human rights instruments and the international instruments of humanitarian law was an important element of a national strategy for the prevention of ethnic and racial conflicts.

26. The World Conference should call on the international financial institutions, including the World Bank, and regional financial institutions and banks to further integrate human rights principles and norms into their policies and programmes. The World Conference should also remind Governments of their obligations, under the International Covenant on Economic, Social and Cultural Rights, to promote economic, social and cultural rights through international cooperation and international development assistance.

27. The Seminar urged Governments to establish economic, social and cultural rights and the right to development in their national constitutions, to protect all individuals without discrimination of any kind, and to provide special protection for minorities, women and members of other disadvantaged groups.

28. The World Conference should encourage Governments that have not yet done so to formulate national human rights action plans, as recommended by the World Conference on Human Rights, taking into account national and local realities in each country.

29. The problem of globalization, which has the effect of accelerating the exploitation of Africans and their exclusion from the full benefits of economic and political development, should be addressed with a view to reversing the continuing marginalization of Africa and the consequences of structural adjustment and debt overhang. The Seminar also called for debt remission so as to enable African States and peoples to undertake the necessary transition to development and prosperity.

30. While noting that the Office of the High Commissioner for Human Rights had already been actively involved in many of the issues outlined above , the Seminar requested the Office in particular:

(a) To continue its advocacy of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination;

(b) To invite States to incorporate in their laws provisions prohibiting racial and ethnic discrimination and laying down procedures for appealing against systematic manifestations of racial, ethnic or xenophobic hatred or violence;

(c) To assist in the formulation of legislation defining and criminalizing all forms of discrimination and condemning all propaganda for intolerance originating from individuals, groups or organizations.

31. The Seminar further suggested that the High Commissioner, in cooperation with regional organizations such as OAU, the African Commission on Human and Peoples' Rights, and the Economic Commission for Africa, should give due importance to the establishment of democratic institutions at the local, regional and subregional levels; monitor the collection and analysis of legal, institutional, political, economic, social and cultural information by drawing on the skills of treaty bodies, the regional organizations and national institutions; and establish closer cooperation with study and research centres regarding the promotion of human rights, the prevention of conflicts, fostering democratic transition, and holding fair and transparent elections.

32. The Seminar also invited the High Commissioner for Human Rights, in partnership with organs and bodies of the United Nations system, intergovernmental organizations, the Bretton Woods institutions, the European Union, regional banks, NGOs, socio-professional organizations and civil society in general, to assist in promoting and protecting human rights in the spheres of the judiciary, the armed forces, the police, education, training services and political parties.

B. Mediation, conciliation, reparation and prevention strategies

33. The Seminar encouraged the High Commissioner to continue her consultations with subregional organizations with a view to the implementation of strategies for preventing ethnic and racial conflicts; to support OAU in its efforts to establish an African Court of Human and Peoples' Rights; and to assist in ensuring the protection of the civilian populations of countries in crisis by supporting mediation, the process of reconciliation, and the strengthening of the rule of law and democracy.

34. The Seminar recommended that the World Conference should adopt as an item of its agenda, "Measures for reparation, restoration and compensation for nations, groups and individuals affected by slavery and the slave trade, colonialism, and economic and political exclusion".

35. The World Conference should encourage the development of restorative justice policies and programmes that are respectful of the rights and needs of victims, offenders, communities and any other parties. It should further call for national, regional and international action plans in support of mechanisms for mediation and restorative justice, as stipulated in the "Vienna Declaration on Crime and Justice: meeting the challenges of the twenty-first century" (A/CONF.187/4/Rev.3), adopted in April 2000 by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

36. The Seminar recognized the important role that national human rights commissions could play in exploring training opportunities to provide traditional authorities and religious leaders with necessary conflict-resolution skills.

37. The national human rights institutions, together with OAU and the Economic Commission for Africa, should envisage training the personnel of human rights NGOs, including women's organizations and media practitioners, in the requisite skills for the detection of early warning signals of ethnic conflict, and also skills in community mediation, interest-based mediation and conciliation.

C. Humanitarian law

38. Noting that national implementation of international humanitarian law could have a major preventive effect, the Seminar emphasized:

(a) The need for States that have not yet done so to accede, without reservations, to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the two Additional Protocols thereto of 1977;

(b) The need for States to adopt appropriate legislation and other measures to give full effect to their obligations under international humanitarian law, in particular in relation to the provisions prohibiting discrimination;

(c) The importance of the adoption by States of legislation providing, in particular, for the prosecution and punishment of persons suspected of having committed grave breaches of the laws and customs of war. Domestic legislation should enable States to exercise universal jurisdiction over such acts;

(d) The importance of disseminating the rules of international humanitarian law among members of the armed forces and the civilian population in peacetime as well as in times of armed conflict. International humanitarian law can be effectively implemented only if its principles and rules are widely known.

D. Human rights education

39. The World Conference should invite States to make human rights education a major tool in preventing the upsurge of racism and racial discrimination. Human rights education should be part of school curricula starting at the primary level, and of the training of judges, lawyers, police and prison personnel, members of the armed forces, the media and labour unions, and legislators. It should also be part of the preparation for political leadership and the training of NGO representatives and members of cultural and social associations. Particular attention should be given to the training of women who themselves could become human rights trainers in such educational programmes.

40. Human rights education programmes should be directed towards the promotion of understanding, tolerance and friendship among peoples and all racial or religious groups, in accordance with article 26 of the Universal Declaration of Human Rights.

41. The Seminar recommended that States should:

(a) As a means of preventing manifestations of xenophobia due to hidden and latent tensions between national populations and immigrants, adopt appropriate legislation and a code of conduct to encourage peace, understanding and harmony between the local population and the foreign communities which have settled in the country;

(b) Disseminate the international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, by the most appropriate means (brochures, pamphlets, the press and radio and television broadcasts in the African national languages);

(c) Give priority to human rights education through a commitment to the teaching of those rights throughout the school (primary, secondary and vocational) system and at university, in the judicial system and in the security and armed forces, and for this purpose prepare, in cooperation with the High Commissioner for Human Rights, UNICEF and UNESCO, human rights education manuals for all levels of school, vocational training and university courses; publicize a human rights culture through the media in order to orient civil society towards human rights; integrate human rights issues in all national, regional and international programmes for the elimination of discrimination against women;

(d) Undertake an in-depth study of the question of castes, in particular in Africa, in cooperation with the Committee on the Elimination of Racial Discrimination (CERD);

(e) Request from OAU a study, to be undertaken by its Centre for Oral Traditions and African Languages in Niamey, on the parenté à plaisanterie relationship, and on traditional African systems of social organization which encourage tolerance and cooperation between ethnic groups and communities.

42. The Seminar also encouraged the High Commissioner for Human Rights, in partnership with UNESCO, the International Bureau of Education and ILO, to promote training programmes in the field of human rights, tolerance and the culture of peace for all public-sector employees, politicians and members of the media, and to assist citizens in learning about their rights and duties, and also the protection available to them under the law.

43. In order to promote the development of a national strategy for the prevention of ethnic or racial conflict, the Seminar invited human rights organizaitons to launch national, regional and international information campaigns in order to educate the greatest possible number of people about international human rights norms using radio, television and the press.

44. The role of religion and its potential as a catalyst for conflict should be studied and monitored, and its impact documented in a systematic and sustained manner.

45. The positive role of religion should also be factored in and harnessed more creatively in the search for lasting solutions to the problems of conflict. In this regard, religious non-governmental organizations should go beyond provision of relief and begin to address causative factors in a manner that would help to prevent disasters.

46. African Governments should consider the establishment of national media commissions in order to provide non-judicial mechanisms for resolving media-related conflicts and to enhance opportunities for the development of the highest journalistic standards. Ethnic conflict prevention should be a key concern in the practice of journalism.

E. Migration, asylum, mass exodus

47. Information campaigns at the national and international levels are needed in order to combat discriminatory treatment against migrants and to protect their human rights. The Seminar recommended in this regard that African States should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) which, upon entry into force, will provide more effective means of protection for the human rights of migrants.

48. In order to prevent discriminatory acts and xenophobia directed against women and children, and also the trafficking to which they are subjected, the Seminar recommended that Governments and civil-society organizations should carry out information campaigns about the risks run by women and children who are culturally and socially excluded in the context of illegal migration, including border-crossing without documents, and about the high risks entailed by clandestine boat trips.

49. The Seminar also recommended the launching of information campaigns in order to foster cultural and religious tolerance in countries that receive African migrants and where they may be exploited and segregated because of their ethnic origin.

50 The Seminar further recommended that the media should carry out awareness campaigns in receiving counties to promote tolerance and respect for the cultural identity of "others", with the aim of preventing acts of xenophobia and racism against migrants.

51. In order to combat the increase in xenophobia against refugees and violence against humanitarian workers, the Seminar recommended that States which have not yet done so should consider ratifying the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, and called for full implementation by States parties of the 1969 OAU Convention governing Specific Aspects of Refugee Problems in Africa.

52. Noting that international law, particularly the OAU Refugee Convention of 1969, prohibits the use of the territory of a State for subversive activities directed against another State, the Seminar emphasized the need for refugees to respect those provisions.

F. Best practices

53. The Seminar welcomed the pioneering experience of OAU in dealing with conflicts through its Mechanism for Conflict Prevention, Management and Resolution. It recommends that OAU doctrine as well as practice aimed at encouraging social dialogue, mediation, conciliation and arbitration to defuse tension that may lead to the outbreak of conflicts should be shared with other regions of the world.

54. The Seminar recognized the considerable potential of the conflict resolution skills - both traditional and modern - that were available in many African communities and had been further developed by OAU. It encouraged States and national institutions to actively promote such skills, particularly mediation and conciliation, through the training of traditional chiefs, members of parliament and government officials.

55. The Seminar welcomed the efforts already under way in some African countries to remove race-related references from school textbooks and curricula, and called upon others to follow that example. Similarly, the Seminar invited States to remove any gender-related discriminatory elements from textbooks and curricula.

56. The Seminar declared that the Pan-African Movement, initiated jointly by Africans of the diaspora and Africans on the continent, had been a powerful unifying force which had helped the African liberation movement to regain human dignity and justice.

G. Preparation for the World Conference

57. The Seminar called upon African States to take steps to organize national conferences/consultations in order to enhance the national dialogue in preparation for the World Conference. In this regard, the Office of the United Nations High Commissioner for Human Rights and the resident coordinators/country teams were encouraged to fully support those efforts.

58. In order to develop effective solutions to the problems posed by racism, racial discrimination, xenophobia and related intolerance, the World Conference must draw on the extensive experience of non-governmental organizations which have been active in these areas. The Seminar recommended that non-governmental organizations should participate actively in all aspects of the World Conference itself and in the preparatory activities, and that they should have the right to address the plenary sessions and to participate in all working groups.

Annex II

LIST OF PARTICIPANTS

Experts and Special Rapporteurs

Ms. Marie-Thérèse Keita-Bocoum, Special Rapporteur on Burundi; Mr. Roberto Garretón, Special Rapporteur on the Democratic Republic of the Congo; Mr. Philippe Kabongo Mbaya, Panafrican Geopolitical Institute, University of Nancy; Ms. Tokumbo Ige, International Commission of Jurists; Mr. Kenneth Attafuah, Director of Investigation and Education, Ghanaian Commission on Human Rights and Administrative Justice (CHRAJ); Mr. Sam Ibok, Organization of African Unity, Addis Ababa; Mr. François Lonsény Fall, member of CERD; Mr. Alioune Sène, former Chairperson, United Nations Commission on Human Rights; Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance; Ms. Gabriela Rodríguez Pizarro, Special Rapporteur on migrants.

States Members of the United Nations represented by observers

Algeria, Angola, Belgium, Brazil, Burkina Faso, Burundi, Cape Verde, Chad, China, Congo, Côte d'Ivoire, Czech Republic, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Indonesia, Iran, Israel, Kenya, Kuwait, Lesotho, Libya, Madagascar, Malawi, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Sudan, Sweden, Tanzania, Togo, Tunisia, Turkey, Uganda, United Kingdom, Yemen, Zambia, Zimbabwe.

Other State

Vatican City State

Intergovernmental organizations

International Committee of the Red Cross, African Commission on Human and Peoples' Rights, International Organization for Migration, Organization of African Unity.

International organizations/Specialized agencies/United Nations bodies

Food and Agriculture Organization of the United Nations (FAO), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Food Programme (WFP), Office of the United Nations High Commissioner for Refugees (UNHCR)

Non-governmental organizations represented by observers

Africa Humanitarian Action (PRODEFA), Association Africaine d'Education pour le Développement (ASAFED), Baha'i International Community, Catholics for Free Choice, Comité d'Action pour les Droits de l'Enfant et de la Femme (CADEF), Education International, Femmes Africa Solidarité, Fraternité Notre Dame Inc., Friends' World Committee for Consultation (FWCC), Horn of Africa Human Rights Watch (HAHRW), International Association against Torture, International Club for Peace Research (ICPR), Oxfam United Kingdom, Women's International League for Peace and Freedom (WILPF), Women in Law and Development in Africa (WILDAF), World Alliance of YMCA, World Council of Churches, Africa Institute of South Africa, East African Enterprise Network East, Enviro-Protect, Ethno-Net Africa, Helpage International, World Islamic Call Society (WICS).